

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1849 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- GAURICHAK District- Patna

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Bittu Chaudhary, aged about 22 years, Gender Male, S/o Punai Chaudhary
R/o village- Khaira, P.S.- Gourichak, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Krishna Pd. Singh, Sr. Adv.
Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 10-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Gourichak P.S. Case No. 02 of 2020, registered for the offence under Sections 302/120(B)/34 of the Indian Penal Code.

As per the prosecution case, on 02.01.2020 at about 3:00 PM, while the informant was standing with his wife at the door of his house, all the FIR named accused persons including this petitioner, armed with various weapons, surrounded them and started abusing and threatening them, and on protest, this petitioner alongwith co-accused Santu Chaudhary made indiscriminate firing on informant and one of the bullet hit on the breast of informant's wife, due to which, she fell down and



when she was taken to P.M.C.H., Patna for treatment, the doctor declared her dead.

It is submitted on behalf of petitioner that though there is allegation of indiscriminate firing against this petitioner and co-accused Santu Chaudhary, but in the *post-mortem* report, only one injury has been found on the person of deceased and as such, benefit of doubt goes in the favour of this petitioner. It is further submitted that petitioner has been falsely implicated in this case, since there was some dispute in the family, as the sister of the informant had solemnized love marriage in the family of this petitioner against the wish of the informant. Petitioner is in custody since 31.10.2020. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties and the facts & circumstances of the case, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VI, Patna City in connection with Gourichak P.S. Case No. 02 of 2020, on the



following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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