

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57545 of 2021

Arising Out of PS. Case No.-332 Year-2019 Thana- DELHA District- Gaya

BITTU CHOUDHARY Son of Baban Choudhary Resident of Village - Barki
Delha, P.s.- Delha, Distt.- Delha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Priya Ranjan, Adv. Mr.Sanjeev Kumar, Adv. Mr.Mukesh Kumar, Adv.
For the Opposite Party/s :		Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-12-2021 Heard the parties.

The petitioner seeks bail in connection with Delha P.S.
Case No.332 of 2019, registered for the offence punishable u/s
307, 34 of the IPC and section 27 of the Arms Act.

Allegation against the petitioner along with other accused
persons is that with an intention to kill, they fired upon the
informant with pistol and during treatment, the informant died.

Earlier, the prayer for bail of the petitioner was rejected
vide order dated 18.03.2021, passed in Cr. Misc. No.39839 of
2020 (Annexure-1). Thereafter, the instant application was filed
by the petitioner for grant of bail.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence



as alleged in the FIR. He has been falsely implicated in this case due to dirty village politics. There is an allegation against the petitioner that he has fired upon the deceased but the post mortem report does not support this fact. The petitioner has no criminal antecedent and has been languishing in custody since 16.03.2020.

Learned APP for the State opposed the prayer for bail but fairly submitted that there is no fire arm injury on the body of the deceased, as per the post-mortem report.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VII, Gaya, in connection with Delha P.S. Case No.332 of 2019, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in



any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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