

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6220 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- BARARI District- Katihar

1. AJEET KUMAR CHOUDHARY @ AJEET CHOUDHARY SON OF MOHAR LAL CHOUDHRY RESIDENT OF VILLAGE- TALI BHATHTHA , BARARI POLICE STATION- BARARI , DISTRICT -KATIHAR,
2. BAUDHA CHOUDHARY @ MANISH CHOUDHARY @ BAUDHA SON OF BITTAN CHOUDHARY RESIDENT OF VILLAGE- TALI BHATHTHA, BARARI, P.S- BARARI, DISTT- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate.

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-04-2021 Heard Mr. Bimal Kumar, learned counsel for the petitioners and Mr. Parmanand Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Barari P.S. Case No. 196 of 2020 registered for the offences punishable under Sections 302, 307/34 of the Indian Penal Code 1860 and Section 27 of the Arms Act.

The allegation as per the First Information Report is that while the informant along with his brothers was returning after fishing, he was accosted by accused persons including



petitioners and one of the co-accused Ashok Choudhary fired upon the brother of the informant namely, Raj Kumar Choudhary, due to which he died on the spot and co-accused Sandesh Choudhary fired upon another brother of the informant namely, Saral Choudhary who received gun shot injury in his head.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to the dispute relating to fishing and they have not committed any offence in the manner alleged. Learned counsel further submits that from perusal of the First Information Report, it would be evident that there is specific allegation of firing against the co-accused Ashok Chaudhary and Sandesh Choudhary and no overt act has been alleged against the petitioners. Learned counsel next submits that at best petitioners were members of unlawful assembly and they are in custody since 9.9.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that no overt act has been alleged against the petitioners and they have got no criminal antecedents as well as they are in custody since 9.9.2020, I am inclined to grant regular bail to the petitioners.



Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Katihar, in connection with Barari P.S. Case No. 196 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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