

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7618 of 2021

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

1. RAMESH CHOUDHRY Son of Bittan Choudhary Resident of Village- Tali Bhaththa, Barari, P.S.- Barari, District- Katihar.
2. Prem Lal Choudhary Son of Mohar Lal Choudhary Resident of Village- Tali Bhaththa, Barari, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-06-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Barari P.S. Case No.196 of 2020 registered for the offence punishable under Sections 302, 307/34 of the Indian Penal Code 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.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that there is specific allegation against the co-accused persons Ashok Choudhary and Sandesh Choudhary that Ashok Choudhary fired upon the deceased Raj Kumar Choudhary @ Bina Choudhary and Sandesh Choudhary fired upon Saral Choudhary as a result of which he received head injury. He further submits that similarly situated co-accused persons have been granted bail *vide* order dated 09.04.2021 in Cr. Misc. No. 6220 of 2021 by a Co-ordinate Bench of this Hon'ble Court. He submits that the allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have no criminal antecedent as mentioned in para 3 of the bail application and have been languishing in custody since 10.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two



sureties of the like amount each to the satisfaction of the learned
court below where the case is pending in connection with Barari P.S.
Case No. 196 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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