

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3679 of 2022

Arising Out of PS. Case No.-746 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Sanni @ Sanni Choudhary @ Ujjawal Choudhary @ Ujjawal Kumar Choudhary, Son of Shashibhushan Coudhary Resident of Village - Asarganj (Siyadih), Police Station- Bath, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with K. Hat P.S. Case No.746 of 2021 registered for the alleged offence under Section 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the petitioner fired upon the informant twice; first shot missed him and second shot grazed the right hand of the informant and went inside his chest and the petitioner and the co-accused left the place thinking the



informant to be dead. The informant further alleged that the petitioner is a shooter and he shot at him on saying of co-accused Rahul Piyush, who borrowed money from the informant and was not inclined to pay the same.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He was not arrested from the spot and nothing incriminating has been recovered from his possession. The petitioner has no concern with the affairs of the informant and the co-accused. Further, as per the FIR, two shots were fired, but only one upper part of cartridge has been recovered from the alleged place of occurrence. The co-accused Sudhanshu Anand has been granted bail by a Coordinate Bench of this Court vide order dated 08.06.2022 passed in Cr. Misc. No.431 of 2022. The charge sheet has been submitted in this case and the petitioner is in custody since 21.08.2021.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner is named in the FIR, who twice fired upon the informant and injury has been caused on a vital part of the body of the informant. The case of the petitioner is clearly distinguishable from the co-accused, who has been granted bail by a Coordinate Bench of this Court since



he was not named in the FIR and there is no specific allegation against him whereas there is specific allegation against this petitioner.

Having regard to the submissions made hereinabove and in view of the fact that there is specific allegation against the petitioner for firing the shot and making attempt on the life of the informant, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

The trial court is directed to conclude the trial expeditiously preferably within a period of nine months.

However, if the trial is not concluded within the aforesaid period, the petitioner will be at liberty to renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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