

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6949 of 2022

Arising Out of PS. Case No.-208 Year-2020 Thana- AMDABAD District- Katihar

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RAJ KUMAR CHOUDHARY @ RAJ KUMAR CHAUDHARY @ KUMAR
CHOUDHARY S/O LATE BALDEV CHOUDHARY RESIDENT OF
VILLAGE- AMBADIH, P.S.- TALJHARI, DISTRICT- SAHEBGANJ
(JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajni Kant Jha

For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 27-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offences punishable under Sections 302, 120B/34 of the Indian Penal

Code and section 27 of the Arms Act.

As per allegation on the fateful day of the occurrence

informant's father was sleeping near his house and informant was

also sleeping at his house and on hulla, he saw accused persons

including the petitioner who were talking his father in hot manner

and then co-accused Kalicharan fired at his father who sustained

firearm injury at his abdomen and during course of medical

treatment, he died.



The main submissions advanced by Sri Rajni Kant Jha learned counsel appearing for the petitioner are that co-accused Nihora Choudhary carrying similar nature of allegation has been considered for regular bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 4922 of 2022 and petitioner has been languishing in jail since 01.09.2021 having clean antecedent and charge sheet has been submitted against him.

Learned APP Sri Jagdhar Prasad has opposed the prayer for bail.

Heard both sides, perused the FIR and case diary. The informant has claimed himself to be eye-witness of the alleged murder and according to him at the place of occurrence co-accused Kalicharan fired at his father who sustained firearm injury at his stomach but para 5 of the case diary shows that while inspecting the place of occurrence Investigating Officer did not find any sign of alleged occurrence, moreover, as per allegation petitioner and three co-accused persons are only alleged to have talked the deceased in infuriated manner at the time of occurrence and thereafter co-accused Kalicharan fired at informant's father. Furthermore, co-accused Nihora Choudhary carrying similar nature of allegation has been considered for regular bail by a coordinate bench of this court and petitioner's case stands on similar footing.

In the light of these facts, petitioner deserves privilege of bail. Let the 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 the Chief Judicial Magistrate, Katihar in
Amdabad P.S Case No. 208 of 2020.

(Shailendra Singh, J)

s.hassan/-

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