

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16884 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- MAHISHI District- Saharsa

=====

Ankit Kumar Choudhary @ Babu Choudhary @ Ankit Kumar Son of Late
Pawan Choudhary Resident of Village - Lakhni, P.s.- Mahishi, Distt.- Saharsa.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Rajiv Nayan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Mahishi P.S. Case No.100 of 2021 Sessions Trial
No.275/2021 instituted under Section 302,120(B),34 IPC and
25(1-b)(a),26,35,27 Arms Act.

The allegation in the FIR is that the petitioner first
tried to abuse the informant's cousin Mohit Lal and snatched his
'lathi'. When this was objected by the informant's nephew,
Randhir Yadav, it is alleged that the petitioner threatened him of
dire consequences.

On 16.06.2021 when his nephew Randhir Yadav was
on his roof, it is alleged that this petitioner brought a pistol,



Pappu Kumar took the pistol to the roof and Gaurav Kumar after taking the said pistol from Pappu Kumar opened fire that led to killing of the Randhir Yadav. FIR was lodged and the accused persons finally came into judicial custody.

Learned counsel for the petitioner submits that specific allegation has been made against the accused Gaurav Kumar that he opened fire that hit on the head of the deceased Randhir Yadav which led to her death. He further submits that one of the similar situate person Pappu Yadav @ Pappu Kumar who had taken the pistol from the petitioner herein and handed over to the said Gaurav Kumar has since been released on bail vide Cr. Misc. No.64735 of 2021 (Pappu Yadav @ Pappu Kumar Vs. The State of Bihar) disposed of on 15.04.2022 by a co-ordinate Bench of this Court. He further submits that some other co-accused have also been granted the privilege of bail vide Cr. Misc. No.61718 of 2021 (Vijay Choudhary @ Bijay Kant Choudhary & Anr. Vs. The State of Bihar) disposed of on 12.04.2022.

Let both the orders be kept on record.

Taking into account the specific allegation has been made against Gaurav Kumar of opening fire and killing the Randhir Yadav, charge-sheet stands submitted, the petitioner is



in custody since 22.07.2021 (as stated in para-8 of the bail application), some of the similarly situate accused persons including Pappu Yadav have since been released on bail by co-ordinate Benches of this Court, this Court is inclined to grant him privilege of bail subject to certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mahishi P.S. Case No.100 of 2021 Sessions Trial No.275/2021 to the satisfaction of learned Sessions Judge, Saharsa, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his presence;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

