

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27998 of 2021

Arising Out of PS. Case No.-280 Year-2019 Thana- KALYANPUR District- Samastipur

=====

CHOUDHARY AJAY SHANKAR @ LOHA SINGH S/O SRI AGENDRA
NARAYAN SINGH R/O VILLAGE GURU KRIPA, WEST DAHARMPUR
HIGH SCHOOL, P.S-MUFASSIL, DISTRICT-SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate

Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Kalyanpur P.S.

Case No. 280 of 2019 registered for the offences punishable

under Sections 302/34 of the IPC and 27 of the Arms Act.



As per the prosecution case, three accused persons including the petitioner herein are stated to have made indiscriminate firing on the uncle of the informant leading to his death.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. He further submits that allegation in the FIR is general and omnibus in nature and as a matter of fact, the petitioner did not fire upon the deceased. He further submits that during investigation daughter and son of the deceased were examined and they have made specific allegation of firing against co-accused Choudhary Madhav @ Sunny Singh @ Hira Singh @ Chandesar Azad. Learned counsel further submits that co-accused Gautam Kumar Singh @ Gautam Raj @ Gautam Singh has been granted bail by a co-ordinate Bench of this court vide order dated 15.11.2021 passed in Cr. Misc. No. 22178 of 2021. Petitioner is in custody since 24.11.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 280 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

shahzad/-

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

