

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18992 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- SRINAGAR District- West Champaran

Ajay Kumar @ Ajay Chaudhary son of Harendra Choudhary @ Harindra Chaudhary, resident of Village- Malahitola, P.S. Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19396 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- SRINAGAR District- West Champaran

Arjun Kumar son of Hari Lal Chaudhary @ Hari Chaudhary, resident Ward No. 03, Village- Malahitola, P.S. Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18992 of 2022)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 19396 of 2022)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the



offences punishable under Sections 302, 34 of the Indian Penal Code.

As per prosecution story, in brief, is that on 29.12.2021 at about 12:15 hours the informant's son namely Butan Kumar went to play and due to rain he went inside the verandah of Rajkiya Prathmiki Sah Bintoliya, Vidyalaya. In the meantime, accused Rajesh Choudhary, Krishna Kumar, Ajay Kumar and Arjun Kumar came and started hot talk with the informant's son. Thereafter, accused Rajesh Choudhary shot fire by Air Gun on the neck of the informant's son due to which the informant's son died and all the accused persons fled away.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation of firing is against co-accused namely Rajesh Choudhary. He further submits that nothing has come during investigation against the petitioners. He further submits that there is no eye witness of the alleged occurrence and only suspicion the petitioners have been falsely implicated in the present case and the petitioners are in custody since 30.12.2021.

Learned APP for the State has opposed the prayer for



bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Srinagar P.S. Case No. 131 of 2021, with the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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