

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32889 of 2021

Arising Out of PS. Case No.-357 Year-2020 Thana- SABAUR District- Bhagalpur

SANJAY CHAUDHARY S/O KARU CHAUDHARY, R/o village-
Radhanagar, P.S.- Sabaur, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Purnendu Keshav Rekha Kumari (Mukund) Mr. Anil Kumar Mukund
For the Opposite Party/s :		Mr.Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 02-03-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection

with Sabaur P.S. Case No. 357 of 2020 registered for offence

punishable under sections 302/34 of the Indian Penal Code and

section 27 of the Arms Act.

The informant Sanjana Kumari is the wife of

deceased Sunny Kumar. As per allegation in the FIR, co-

accused Prabhu Yadav and Yogesh Yadav took away her



husband by a motor cycle. Her husband, the deceased Sunny Mandal had given Rs. 5,00,000/- on credit to Prabhu Yadav. That money was not paid by co-accused Prabhu Yadav and due to this, some quarrel took place between them. The deceased had also some enmity with the present petitioner for transaction of money. The present petitioner on previous occasions, threatened to kill the deceased.

The learned counsel for the petitioner has submitted that co-accused Jyotish Yadav confessed his guilt and in paragraph 76 of the case diary his statement has been recorded, in which Jyotish Yadav has stated categorically that he killed Sunny Mandal by firing shot. The learned counsel has submitted further that paragraph 76 shows itself that the present petitioner is not the assailant of the deceased.

On the other hand, the learned APP has submitted that in paragraph 76 of the case diary itself shows that the co-accused Jyotish Yadav has stated that the prime conspirator of the offence is Sanjay Choudhary, the present petitioner. The FIR shows that prior to the occurrence, the petitioner had threatened the deceased to kill and his name has been figured in paragraph 76 of the case diary.

As such, in my view, it is not a fit case for



anticipatory bail. Accordingly it is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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