

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44877 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- BARGAINIA District- Sitamarhi

Bam Shankar Chaudhary Son Of Late Mahesh Chaudhary Resident Of
Village - Ashogi P.S. Baiganiya, District - Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Prasad Singh- Advocate
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary- A.P.P.
For the Informant	:	Mr. Jai Prakash Singh- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State through
video conferencing.

The petitioner seeks bail in connection with
Baiganiya P. S. Case No.46 of 2021, instituted for the offences
under Sections 302/ 34 of the Indian Penal Code and Section 27
of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 14.05.2021, charge-sheet has been
submitted in the case and has antecedent of 13 cases as
mentioned in Para-3 of the bail application.

The learned counsel for the petitioner submits that
though in the F.I.R. allegation is of killing of the son of the
informant by named accused persons, but as far as this
petitioner is concerned, he is not alleged to be the assailant nor



he was present at the place of occurrence rather the petitioner is alleged to be the person, who had sometimes earlier threatened the deceased that he will not see Holi as the deceased had supported a N.D.A. candidate in the election.

The learned counsel for the petitioner submits that merely on suspicion that this petitioner had threatened the deceased came to be implicated with an allegation that he conspired to get the deceased killed. The learned counsel further submits that if the petitioner intended to get the deceased eliminated, then in that event, he would not have gone to the house of the deceased to threaten him and thus, would have been implicated if something had happened to the deceased.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the present bail application with a liberty to renew his prayer for bail after framing of charge.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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