

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34986 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Murari Choudhary Son of Chamru Choudhary R/O- Sultanganj Station Road,
P.S.- Sultanganj, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate
	:	Mr. Shivam, Advocate
For the State	:	Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-09-2022 Heard learned senior counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sultanganj P.S. Case No. 164 of 2021 registered for the offence under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 31.01.2022.

The allegation against the petitioner is to commit murder of the brother of the informant, alongwith other co-accused



persons by causing fire arm injury in the background of previous long standing business rivalry.

Learned senior counsel, Mr. Ajay Kumar Thakur, appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and just on the basis of mere suspicion, in the background of business rivalry, petitioner has been falsely implicated in the present case. It is further submitted that during the course of investigation, name of one, Phutus Choudhary @ Ravi Kumar Choudhary surfaced on the basis of secret input, who confessed to commit the murder of brother of the informant, suggesting this petitioner, was not involved in the occurrence. It is further submitted that except suspicion of informant, regarding involvement of the petitioner as to conspire the murder of the informant's brother, nothing incriminating surfaced during the course of investigation against the petitioner. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that informant is not the eye witness of the occurrence, as per F.I.R.



In view of the facts and circumstances, as mentioned above, as informant is not appearing the eye witness of the occurrence, where allegation is based upon mere suspicion, in the background of the business rivalry coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sultanganj P.S. Case No. 164 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Bhagalpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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