

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45328 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

=====

SANJAY KUMAR CHOUDHARY @ SANJAY CHOUDHARY @ PAPPU
CHOUDHARY S/o Late Kalpu Chaudhari @ Late Kalpu Choudhary Resident
of Village- Sherpur, P.S.- Vidyapati Nagar (incorrectly mentioned in the
Impugned order as P.S.- Vidyapati), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 07.01.2021, seeks
regular bail in connection with Vidyapati Nagar P.S. Case
No.196 of 2020 registered for offences punishable under
Sections 120(B) and 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Prosecution case, in brief, is that on 15.10.2020 at
about 8:PM, all the FIR named accused persons, including this
petitioner, surrounded the son of the informant and on the



instigation of co-accused Arvind Kumar Chaudhary, co-accused Suman Kumar Choudhary @ Chhabban Choudhary fired upon the son of the informant and thereafter, it is alleged that another co-accused Golu Choudhary also fired on the back of the son of informant and thereafter, all the accused persons fled away from the place of occurrence and the son of the informant succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. The allegation levelled against the petitioner is general and omnibus and specific allegation of firing in the abdomen and back of the son of the informant is against co-accused Suman Chaudhary and Golu Chaudhary. He further submits that the petitioner was simply a member of the unlawful assembly. He is in custody since 07.01.2021. Similarly situated co-accused namely Shubham Kumar Choudhary has been granted bail by this Court vide order dated 21.01.2022 passed in Cr. Misc. No. 50637 of 2021.

Learned A.P.P. appearing on behalf of the State has opposed the prayer for bail.

Considering the facts and circumstances of the case and specific allegation of assault is against the co-accused



Arvind Kumar Chaudhary and co-accused Suman Kumar by the informant, who is the father of the deceased and is the eye witness of the alleged incident and there is no allegation of assault made by the present petitioner, hence the petitioner has prima facie made out a case for grant of bail and there is no chance of completion of trial soon due to COVID-19, the petitioner above named is directed to be enlarged on bail upon furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Dalsingsarai, Samastipur in connection with Vidyapati Nagar P.S. Case No. 196 of 2020 subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(Purnendu Singh, J)

mantreshwar/-

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

