

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48792 of 2021**

Arising Out of PS. Case No.-347 Year-2021 Thana- ARA NAWADA District- Bhojpur

Ranjit Chaudhary Son Of Ramadhar Chaudhary Resident Of Village- Belaur,
P.S.- Udawantnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. N.K.Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

4 06-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Surendra Kumar Singh, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The petitioners seek bail in connection with Ara Nawada P.S. Case No. 347 of 2021 registered for the offences punishable under Sections 307, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 24.03.2021, while the informant along with his two sons had gone to meet his brother at Ara Civil Court and when they were returning, Prakesh Chaudhary and Pawan



Chaudhary started firing with pistols. It is further alleged that co-accused Prakesh Chaudhary fired upon neck of his son and Pawan Chaudhary shot to his head and Hareram Chaudhary fired on Ajay Chaudhary. It is also alleged that petitioner is said to be conspirator and a man behind this occurrence.

Learned counsel for the petitioner submits that the name of the petitioner has been disclosed as conspirator. However, during the course of investigation no material has come which suggest the complicity of the petitioner that the occurrence had taken place at the instance of this petitioner. It is further submitted that this petitioner is in custody since 20.11.2017 in connection with other criminal cases and so far the present crime is concerned, the alleged occurrence had taken place on 24. 03.2021., when there was a nation wide lock down on account of Covid-19 pandemic and as such there was no reason or occasion to go to the civil court and no permission was accorded to any of the person to visit civil court and as such the entire prosecution appears to be false. It is next submitted that specific allegation of firing has been made against Prakesh



Chaudhary and Pawan Chaudhary, Mohan Chaudhary and Hararam Chaudhary. So far as this petitioner is concerned, he was not found present on the place of occurrence. It is also submitted that one of the co-accused namely, Golu Kumar, whose name has been transpired from the confessional statement of co-accused Shivam Kumar, has been granted bail in Cr. Misc. No.45164 of 2021 vide order dated 05.05.2022 and moreover, this petitioner has been remanded in this case on 08.04.2021 and since then he is in custody, though investigation of the crime has already been concluded and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that there is previous enmity between both the parties and there are various cases instituted by both the parties against each other. The petitioner is a renowned criminal and has been found involved in 10 other cases. In response to submission made on behalf of the learned counsel for the petitioner submits that petitioner is on bail in all the cases except the present one.

Having heard the rival contentions of the parties



and taking into consideration the fact that during the course of investigation no material has come which suggest the complicity of the petitioner showing the petitioner is a conspirator, apart from the fact that the petitioner was neither present at the place of occurrence nor any specific allegation has been levelled against him except suspicion that he being conspirator committed the occurrence , moreover, petitioner is in custody since 19.06.2021, let the petitioners above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara (Bhojpur) in connection with Ara Nawada P.S.Case No. 347 of 2021 with the following conditions:-

(i) One of the bailors should be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has canceled his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of the bail bonds in terms of the above mentioned order shall not be delayed for the purpose of or in the name of verification.

(Harish Kumar, J)

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