

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50637 of 2021

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

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SHUBHAM KUMAR CHOUDHARY @ SHUBHAM KUMAR @
SHUBHAM CHAUDHARY @ KAAR BABU SON OF LATE RAM
SRINGAR CHOUDHARY @ LATE RAMSHRGAAR CHAUDHARY
Resident of Village - Sherpur, P.S.- Vidyapatnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-01-2022 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 18.06.2021, seeks
regular bail in connection with Vidyapatnagar P.S. Case No.
196 of 2020 registered for offences punishable under Sections
120(B), 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Prosecution case, in brief, is that on 15.12.2020 at
about 8:PM, all the FIR named accused persons, including this



petitioner, surrounded son of the informant and on the instigation of this petitioner, 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 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 on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. Only allegation against the petitioner is that he has just pulled the leg of the deceased and there is direct allegation against co-accused Suman Chaudhary and Golu Chaudhary. He further submits that petitioner was simply a member of the unlawful assembly and he is *gotiya* of the informant and he is in custody since 18.06.2021.

Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witnesses and there is no likelihood of trial being concluded in near future, 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. 3rd, Dalsinh Sarai (Samastipur) in connection with Vidyapatnagar P.S. Case No. 196 of 2020 subject to the following conditions:

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

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

(iii) 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.

(Purnendu Singh, J)

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