

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51935 of 2021**

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

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SUMAN KUMAR CHOUDHARY @ AMAN KUMAR @ CHHABBAN
CHOUDHARY Son of Late Om Prakash Choudhary Resident of Village -
Sherpur, P.S.- Vidyapati Nagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar
For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Vidyapati Nagar Police Station Case No. 196 of 2020, registered
for the offences punishable under Sections 302/120-B/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the petitioner is the main assailant, who fired
upon the son of the informant, due to which he sustained fire
arm injury in his abdomen and co-accused Golu Choudhary
fired upon the informant's son, which hit him in his back and the
informant's son succumbed to the fire arm injuries.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to



previous enmity, which is evident from the First Information Report itself. He next submits that according to the First Information Report, the informant saw that near the Malia bandh, the petitioner and other co-accused persons surrounded the informant's son and the petitioner fired upon him. He further submits that the incident has taken place in the month of October in the night and there was no source of light by which the informant could have identified the accused persons. He further submits that the occurrence took place at about 10 PM and it is not possible for the informant to carry his injured son in the hospital at Begusarai, which is 50 kms. away from the place of occurrence and come back to his house, where the fardbayan of the informant was recorded at about 11:55 PM. He further submits that the petitioner is in custody since 19.01.2021.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is the main assailant, named in the First Information Report, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail



after one year from today, if the trial does not show any progress.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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