

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53153 of 2021

Arising Out of PS. Case No.-270 Year-2012 Thana- BAKHARI District- Begusarai

PHOOL CHAUDHARY @ CHANDRAMANI CHOUDHARY SON OF
LATE MUDHAR CHAUDHARY @ LATE MADAN CYHAUDHARY
Resident of Village - Parihara, P.S.- Bakhri, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Daya Shankar Prasad Sinha, Advocate
For the State	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 06-05-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307, 341 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on the orders of Bindu Chaudhary it is stated that the petitioner and Pappu Sharma fired from their pistol. As a result of firing resorted to by the petitioner, the informant sustained gun shot injuries in his waist.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Injury report does not support the allegations levelled in the FIR. There are no eye witness to the occurrence. No incriminating article was recovered from the petitioner's possession and the petitioner is in custody since 26.3.2021.



The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct allegation against the petitioner of having fired on the informant hitting him in his waist. In a case of the year 2012, the petitioner absconded for nearly nine years till he was taken into custody on 26.3.2021. He has several cases pending against him. It is further submitted that the petitioner has made incorrect statement on oath. Not five but seven cases of serious nature are pending against the petitioner.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the informant having sustained gun shot injury as a result of firing of this petitioner and the petitioner having absconded for 9 years, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

In view of the petitioner having remained in custody for over one year, liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

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