

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60635 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- KUDHNI District- Muzaffarpur

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RUPESH KUMAR CHOUDHARY S/o Hiralal Choudhary Resident of
Village- Kharauna Jayram, Kharauna Dih, P.S.- Kudhani, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Anjana, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of
normal court proceedings. In the eventuality of non-removal
of defects within stipulated period, the office will place the
matter before the Bench.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 341, 323, 307, 504
of the IPC and 25(1-b), 26, 27 of the Arms Act.

Allegedly, due to an altercation arising out of land
dispute, the petitioner has fired upon the informant.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties. Both sides are agnates and there is an admitted land dispute between the parties, due to which the petitioner has been implicated in this case. Allegation against the petitioner is that he fired upon the informant which did not hit him, as such, there is no injury caused upon the person of the informant. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that informant has produced 7.65 bore country made pistol with one empty cartridge and two live cartridges before the police.

Having regard to the facts and circumstances of the case, since no injury has been sustained by the informant, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the



learned court below where the case is pending/Successor
Court in connection with Kudhani P.S. Case No.307/2020,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

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