

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61350 of 2021

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

Sri Ram Kumar Son of Baliram Singh Resident of Village - Repura, P.S.-
Sandesh, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Bihari Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 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 Hararam Chaudhary fired on Ajay Chaudhary. It is also alleged that one Ranjit Chaudhary is said to be conspirator and a man behind this occurrence.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired on the confessional statement of Prakesh Chaudhary and Shivam Kuamr. It is further submits that save and except the confessional statement, during the course of investigation no material has come which suggest the complicity of the petitioner. It is further submitted that the alleged occurrence had taken place on 24. 03.2021, when there was nation wise lock down on account of Covid-19 pandemic and 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, Pawan Chaudhary, Mahendar Chaudhary and



Hararam Chaudhary. So far as this petitioner is concerned, he was not even 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 19.06.2021 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 petitioner and submits that there is previous enmity between both the parties and there are various cases instituted by both the parties against each other. Petitioner is renowned criminal and he has been found involved in 5 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, save and except the confessional statement, apart from the fact that the petitioner was neither present at the place of occurrence nor any specific allegation has been levelled against him Moreover, petitioner is in custody since 19.06.2021 and the investigation has already been concluded, 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 petitioners.

(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.

(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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