

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61718 of 2021

Arising Out of PS. Case No.-100 Year-2021 Thana- MAHISHI District- Saharsa

-
1. BIJAY CHOUDHARY @ BIJAY KANT CHOUDHARY S/o Late Kamal Choudhary
 2. Deepak Choudhary S/o Bijay Choudhary @ Bijay Kant Choudhary
All resident of Village- Lakhani, P.S.- Mahishi, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-04-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

As per the prosecution case, it is stated in the F.I.R. that on 15.6.2021, there was dispute between the cousin brother of the informant namely Mohit Lal Yadav and co-villager Ankit Kumar. Ankit Kumar snatched the lathi and was not ready to return the same. On the informant's nephew Randhir Yadav going and asking for the lathi, he was threatened by Ankit Kumar. It is further stated that the two petitioners and Sonu



Choudhary also came there, abused and threatened. It is further stated in the F.I.R. that on 16.6.2021 at 8.30 p.m. while Gaurav Kumar and Pappu Yadav were seated, Ankit Kumar came with a pistol. Pappu took the pistol and went on the terrace. Gaurav Kumar took the pistol from Pappu and shot the nephew of the informant in his head.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. Although the allegations stated therein are not correct, even accepting the same for the sake of argument, the two petitioners herein are stated to be present on 15.6.2021, however no overt act has been alleged against them. The occurrence leading to death of the nephew of the informant takes place on 16.6.2021 and the petitioners have not even been said to be present at the place of occurrence on the said day. The petitioners are in custody since 18.6.2021 and have no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., no overt act having been alleged against these two petitioners who are not even been said to be present at the place of occurrence where the nephew of the informant was shot together with the



petitioners having remained in custody for 9 months and chargesheet having been submitted in the case, the Court directs the petitioners to be enlarged on bail in connection with Mahishi P.S. Case no.100 of 2021 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Saharsa.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

