

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61246 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- BACHHWARA District- Begusarai

GOPAL CHOUDHARY @ GOPAL KUMAR CHOUDHARY SON OF
PREM KUMAR CHOUDHARY R/O VILLAGE- FATEHA, P.S.-
BACHHWARA, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr.Adv.
Mr.Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr.Harendra Prasad

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

6 09-05-2022 Heard learned counsel for the parties.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302/120B of the Indian Penal Code and u/s 27 of Arms Act.

The prosecution case in brief is that one co-accused, Akhilesh Choudhary, invited the son of the informant on dinner and when informant reached to the house of Darshan Sada, he saw that his son was standing near the motorcycle and thereafter it is alleged that, this petitioner along with three FIR named accused persons and four unknown persons started firing on the son of the informant. It is further alleged that this petitioner fired first at the leg of informant's son whereafter co-accused, Sushil Choudhary fired second shot hitting other leg of the



deceased. When the deceased tried to run away, the accused persons chased him and when the deceased fell, co-accused Prem Kumar Choudhary fired on the back and waist of the deceased and petitioner fired on the chest and thereafter, all the accused persons also fired on the son of informant. All the accused persons wielding weapons threatened the informant not to lodge the case otherwise he would be killed and fled away. The injured son of the informant was brought to hospital where he was declared dead by the doctor.

It is submitted on behalf of the petitioner that though, informant planted himself as eye-witness of the occurrence, but as per F.I.R., four named and four unknown persons made indiscriminate firing on the son of informant, in such a situation, it is highly improbable that one could pin point whose firing hit which part of the body of deceased. It is further submitted that similarly situated co-accused Sushil Choudhary, who is said to have fired on the leg of deceased, has already been granted bail by this Court, vide order dated 28.01.2022 passed in Cr.Misc. No. 50392 of 2021. Petitioner claims clean antecedent and he is in custody since 27.02.2021.

However, learned A.P.P. for the State opposed the prayer for bail and submitted that there is specific and direct



allegation against this petitioner of causing fire-arm injury on right leg and chest of the deceased. In the opinion of the doctor, the death was due to injury caused by fire-arm. It is further submitted that petitioner has got one criminal antecedent also.

Considering the specific allegation against this petitioner as well as his criminal antecedent, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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