

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61499 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- BARARI District- Katihar

Sandesh Choudhary S/o- Mohar Lal Choudhary Resident of Village- Tali
Bhaththa, Barari, P.S.- Barari, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 63573 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- BARARI District- Katihar

Awadhesh Choudhary, Son of Mohar Lal Choudhary Resident of Village- Tali
Bhaththa, Barari, P.S.- Barari, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In Criminal Miscellaneous No. 61499 of 2021)

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

(In Criminal Miscellaneous No. 63573 of 2021)

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-04-2022 Heard learned counsel for the parties.

The petitioners in both the cases are accuseds in connection with Barari P.S. Case No. 196 of 2020 lodged on 05.08.2020 under Sections 302, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegation, the accused persons surrounded



the informant's brothers and Ashok Choudhary opened fire killing his own brother Raj Kumar Choudhary. Specific allegation against accused Sandesh Choudhary is that he opened fired which hit the head of his second brother Saral Choudhary who also succumbed to his injury.

Considering the aforesaid facts that specific allegation has been levelled against the petitioner Sandesh Choudhary of Cr. Misc. No. 61499 of 2021, this Court is not inclined to grant any relief to him and as such the bail application is accordingly rejected.

So far as the petitioner Awdhesh Choudhary in Cr. Misc. No. 63573 of 2021 is concerned, an omnibus allegation has been levelled against him that he was a part of the mob.

Taking into account the aforesaid facts as also that he is in jail since 24.07.2021, as stated in paragraph no. 15 of the bail application, let the petitioner Awadhesh Choudhary in Cr. Misc. No. 63753 of 2021 be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Katihar in connection with Barari P.S. Case No.196 of 2020, subject to the following conditions :-

- (i) one of the bailor should be the own blood relative



of the petitioner who shall submit official document to show his/her bonafide;

(ii) he shall appear before the learned Trial Court on each and every date and failure to do so for two consecutive dates will lead to cancellation of his bail by the Trial Court itself;

(iii) if he indulges in any criminal offence once again, the State shall be at liberty to take steps for cancellation of the bail bond.

With the aforesaid observations, the prayer for bail application of Cr. Misc. No. 61499 of 2021 (Sandesh Choudhary Vs. State of Bihar) is rejected while Cr. Misc. No. 63753 of 2021 (Awadhesh Choudhary Vs. State of Bihar) is allowed.

(Rajiv Roy, J)

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