

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65369 of 2021

Arising Out of PS. Case No.-320 Year-2017 Thana- KARAHGAR District- Rohtas

Amresh Choudhary Son of Gharbharan Choudhary @ Ghar Bhajan
Choudhary Resident of Village- Kukudha, P.S.- Itadhi, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 12-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kargahar P.S. Case No. 320 of 2017, lodged under Sections
120(B), 307 of the Indian Penal Code read with Section 27 of the
Arms Act.

As per prosecution case, the informant has alleged that
on 16.11.2017 an unknown call was received by his brother to
come Bilaspur Stand, upon call his brother Chandeshwar Singh
went to Bilaspur Stand where some unknown criminals have fired
on him, due to which he become injured, initially treatment took
place at Sasaram Sadar Hospital, thereafter, he was referred to
Varanasi.

Learned counsel for the petitioner submits that the present case has been lodged against unknown. He further submits that from the F.I.R. itself it transpires that the date of occurrence is 16.11.2017 whereas the present F.I.R. has been lodged on 18.11.2017. He also submits that name of petitioner has figured in this case by virtue of statement made by the injured Chandeshwar Singh for the first time in the case diary on 07.12.2017. He further submits that the petitioner and informant are well known to each other, they belong to same village also. Learned counsel for the petitioner submits that name of petitioner was figured in this case under a deep rooted conspiracy, otherwise there is no occasion as to non disclosure of his name on the date of occurrence itself. He further submits that petitioner is in custody since 12.03.2021, charge sheet has already been filed having 5 criminal antecedents against him in which he is on bail. Learned counsel for the petitioner submits that most surprising fact is that there is no injury report available in the case diary.

Learned counsel for the State opposes the prayer for bail but agree that there is no injury report found in the entire case diary.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 320 of 2017, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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