

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71680 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- KHAGARIA District- Khagaria

Madhu Choudhary @ Saroj Kumar, Son Of Late Sadanand Choudhary,
Resident Of Vill- Rahimpur Charkhutti P.S.- Mufassil Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Kalyan Shankar, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Khagaria P.S. Case No. 23 of 2020 registered
for the alleged offences under Sections 341, 323, 307, 504 and
34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the allegation against the
petitioner is that he fired upon the informant causing an injury
in his abdomen.

The learned senior counsel for the petitioner submits
that petitioner is innocent and has been falsely implicated in this



case. For an occurrence dated 29.10.2019, the fardbeyan was recorded on 06.01.2022 and it creates doubt over prosecution case as two brothers of the informant were present at the spot when he was allegedly shot at by the petitioner. Learned counsel further submits that the injury report has been obtained from a private doctor and fabrication of the same cannot be ruled out. The petitioner is in custody since 21.08.2021 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner has got criminal antecedents and there is specific allegation against him for causing of firearm injury.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 23 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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