

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1379 of 2022

Arising Out of PS. Case No.-704 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Anshu Kumar Chaudhary Son Of Satish Kumar @ Satish Chaudhary R/O
Village- Kharauna, Jairam, P.S.- Kudhani, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
Mr. Raj Kumar, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan,APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-10-2022 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 Sadar P.S. Case No. 704 of 2020 registered for
the alleged offences under Sections 302 and 120(B) of the
Indian Penal Code and under Section 27 of the Arms Act.

As per prosecution case, husband of the informant
was shot dead by F.I.R. named co-accused persons. The name of
the petitioner transpired during investigation as for being
involved in the alleged occurrence.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case due to some ulterior motive. The petitioner is not named in the F.I.R and no suspicion has been raised against him by the informant. The petitioner is remanded in this case on 16.07.2021, from another case without any cogent material. Neither informant nor any other persons identified the petitioner that he was also involved in making indiscriminate firing upon the deceased. The confessional statement of the petitioner is of no legal value. The informant claimed that she could identify the fourth person who was involved with other co-accused persons while indiscriminate firing was being made but no Test Identification Parade of the petitioner had been made. Learned counsel further submits that charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and a number of cases are pending against him.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of material to connect the petitioner with the offences as alleged and also considering his period of custody 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 Judicial Magistrate 1st Class, Muzaffarpur in connection with Sadar P.S. Case No. 704 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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)

Gautam/Daya

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