

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16483 of 2023

Arising Out of PS. Case No.-397 Year-2021 Thana- PATNA CITY CHOWK District- Patna

DHIRAJ KUMAR @ BITHAL S/O Pappu Prasad R/O Lal Imli, P.S- Chowk,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Chowk P.S. Case No.397 of 2021 instituted under Sections 302, 201/34 of the Indian Penal Code and 27 of the Arms Act lodged on 13.10.2021 by the informant Pawan Kumar Chaudhary.

As per the prosecution story, the informant's cousin brother informed him on telephone that his brother, Avinash Kumar @ Bablu has received gun-shot injury. on this information, the informant with his brother and relatives reached the place of occurrence and found his brother lying on the ground in a pool of blood. When he inquired from the people present and saw the CCTV footage then, he came to know that Chunnu Choudhary and his brother Avinash Kumar argued for



something and in between, Chunnu Choudhary with his friend Pradyuman Kumar @ Chipra and Pintu Kumar jointly shot his brother Bablu in his mouth because of which he got badly injured.

Getting information about this occurrence, the police reached at the place of occurrence and with their help, Avinash Kumar @ Bablu was brought to N.M.C.H. in injured condition but the doctors declared him dead. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that the allegation is against other named accused and only in the confession his named has cropped and further he do not have criminal antecedent.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the fact that he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two



sureties of the like amount each in connection with Chowk P.S. Case No.397 of 2021 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna City, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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