

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16498 of 2023

Arising Out of PS. Case No.-281 Year-2022 Thana- BACHHWARA District- Begusarai

Sudhanshu Choudhary @ Himanshu Choudhary Son Of Manoj Choudhary
R/O Village- Fateha, P.S.- Bachhawara, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar Gov.Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

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

For the Informant : Mr. Raj Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard Mr. Ramakant Sharma, learned senior counsel
for the petitioner, learned counsel appearing on behalf of the
informant as well as learned Additional Public Prosecutor for
the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
05.11.2022 in connection with Bashhawara P.S. Case No. 281 of
2022, F.I.R. dated 01.11.2022 for the offences punishable under
Sections 302, 120(B) of the Indian Penal Code and Section 27
of the Arms Act.

According to prosecution case, when the informant
was sitting on his ready made cloth shop then one Kanhaiya
Choudhary and this petitioner came to his shop armed with
pistol and fired upon his elder son which hits on the chest of his



son and results in the death on his son.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation of assault of firing against the co-accused person, namely, Kanhaiya Choudhary who fired upon the son of the informant and the allegation against the petitioner and other accused persons is that they have also fired upon the informant and his younger son but it appears from the F.I.R. that no injury is caused to the informant and his younger son. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.11.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate, Begusarai in connection with Bachhawar
P.S. Case No. 281 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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