

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22165 of 2023

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

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Madhav Choudhary @ Madhav Kumar Son of Karamsheel Choudhary R/V-
Fateha PS- Bachhawara, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the Opposite Party/s	:	Mr. Atul Chandra, APP
For the Informant	:	Mr. Raj Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Bachhawara P.S. Case No. 281 of 2022 registered on 01.11.2022 for the alleged offences under Sections 302 and 120(B) of the Indian Penal Code and 27 of the Arms Act.

3. As per prosecution case, co-accused Manoj Choudhary had been pressurizing the informant to compromise Bachhawara P.S. Case No. 257 of 2022. When the informant refused to compromise the case, a number of co-accused persons along with petitioner armed with pistol came to the shop of the informant and co-accused Kanhaiya Choudhary shot at



the son of the informant in his chest. Petitioner and other co-accused persons also opened fire on the informant and his younger son, but they escaped unhurt. The other son of the informant died due to gunshot injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no specific allegation of assault against this petitioner and he has been named along with a number of co-accused persons for opening fire on informant and his son, but it is not believable that so many persons fired upon them and none of the shots hit them. During investigation, the police found that some other persons, namely, Prabhat Kumar, Raushan kumar @ Rana and Raukin @ Bantha were involved in the murder of the son of the informant so, the son of the informant was killed by other criminals. During investigation, it has also come on in the case diary that there was no role of either co-accused Kanhaiya Choudhary or this petitioner. The petitioner is in custody since 19.12.2022 and charge-sheet has been submitted.

5. Learned APP as well as learned counsel for the informant vehemently opposes the submission made on behalf of the petitioner submitting that petitioner is having criminal



antecedent. Learned counsel for the informant submits that this petitioner is the accused of Bachhawara P.S. Case No. 257 of 2022 which they were putting pressure on the informant to compromise and when the same was not done, they killed the son of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of causing any injury to any person against this petitioner though he is stated to be a member of an unlawful assembly, and further considering his period of custody and the submission of charge-sheet against him, 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, Begusarai/court concerned in connection with Bachhawara P.S. Case No. 281 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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)

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