

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23614 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- KOPA District- Saran

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VISHWAKARMA CHAUDHARY @ RASGULLA CHOUDHARY SON OF
JAGLAL CHAUDHARI Resident of village/Mohalla - Marha Tola, P.S. -
Manjhi, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that he received an information that the hotel owner
alongwith other accused have surrounded two persons,
accordingly he reached the place of occurrence when accused
fled and two persons were found lying in a pool of blood and
one had died, it is next alleged that during the course of
treatment the injured disclosed his name as Kumar Saurav and



that of deceased as Golu, it is next alleged that he further disclosed that they were carrying arms and ammunition and they were surrounded by the accused persons and they concealed the arms and ammunition in a bag at the place of occurrence, accordingly the arms and ammunition were recovered from the place where it was disclosed by the injured person.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner is not the owner of the Hotel nor there is any allegation of any specific overt act, it is further submitted that informant alongwith the deceased were themselves criminals and were carrying arms and ammunition as they had disclosed in purpose whereof even recovery was made, it is next submitted that the petitioner came to be implicated at the instance of Mukhiya through the local chowkidar.

5. It is next submitted that it absolutely does not stand to reason that if chowkidar was known to the petitioner why he would have committed such an occurrence in his presence and thus would create evidence against himself and would have been implicated.

6. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kopa P.S. Case No. 73 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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