

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23775 of 2023

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

1. Prabhat Kumar Son Of Arun Chaudhary R/V- Pataili, Ps- Ujiyarpur, Dist- Samastipur
2. Raushan Kumar @ Rana Son Of Late Ajay Kumar Choudhary R/V- Fateha, Ps- Bachhwara, Dist- Begusarai
3. Jai Mangal Choudhary Son Of Kaushal Kishore Choudhary R/V- Fateha, Ps- Bachhwara, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sabal Kumar Jha, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Raj Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2023 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

2. The petitioners seeks bail in connection with Bachhawara P.S. Case No.281 of 2022 registered for the offence under Sections 302 and 120-B of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioners are not named in the F.I.R., where petitioner no.1 is in custody since 12.11.2022 and petitioner nos. 2 and 3 are in custody since 30.11.2022.

4. The allegation against the petitioners is to commit murder of the son of informant alongwith eleven (11) named co-



accused persons by opening indiscriminate firing and to cause a bullet injury over the chest of the son of petitioner, who died during the course of treatment, where occurrence arises out of previous enmities as explained through F.I.R.

5. Learned counsel appearing on behalf of the petitioners submitted that name of these petitioners surfaced in the present case on the basis of confessional statement of co-accused, namely Durgesh Kumar, who is also not named in the F.I.R., where his name surfaced in the present case on the basis of confessional statement of co-accused Bhola Pandit, whose motorcycle was alleged to be recovered from the place of occurrence. It is submitted that the statement of the eye-witness of the occurrence, namely Sudhir Yadav, who is none but the full brother of the deceased raising specific allegation for fatal firearm injuries against co-accused Raukin @ Bantha, where nothing incriminating appears against these petitioners. It is further submitted that four (4) live cartridges alleged to be shown recovered from the possession of petitioner no.2, namely Raushan Kumar @ Rana, to support the allegations as, alleged murder caused by indiscriminate firing having otherwise no bearing over the merit of the case. While concluding the argument, it is submitted that petitioner no.1 is a man of clean



antecedent, petitioner no.2 found involved in four more criminal cases, where he is on bail and petitioner no.3 found involved in one more criminal case, where he is also on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that petitioners actively participated in the present occurrence of murder.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion arising out of confessional statement and the recovery of four (4) live cartridges from petitioner no.2, nothing appears during the course of investigation, which may connect petitioners with the present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where petitioner no.1 is in custody since 12.11.2022 and petitioner nos. 2 and 3 are in custody since 30.11.2022, accordingly, all petitioners, above named, are directed to be released on bail in connection with Bachhawara P.S. Case No.281 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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