

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30221 of 2023

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

Kanhaiya Choudhary Son Of Manoj Choudhary Resident Of Village - Fateha,
P.S.- Bachhwara, District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Bipin Kumar, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, 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
petitioner and learned APP appearing on behalf of the State.

2. The petitioner 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/petitioner is named in the F.I.R. and is
in custody since 05.11.2022.

4. The allegation against the petitioner 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 senior counsel Mr. Ramakant Sharma while appearing on behalf of the petitioner submitted that though informant claiming to be an eye-witness of the occurrence, raising specific allegation against this petitioner to cause bullet injury over chest of his son but if the statement of another eye-witness, who is none but the full brother of the deceased be taken into consideration as appears during the course of investigation, in para no. 9 of the case diary, allegation against this petitioner is limited only to open fire upon deceased without specifying whether it caused any injury, where he categorically stated that co-accused, namely Raukin @ Bantha, alongwith 4-5 other unknown co-accused persons caused fatal firearm injury to his deceased brother. It is further submitted that during the course of investigation police recovered firearm from the possession of said co-accused, namely Raukin @ Bantha, where his confession was also obtained making inculpatory statement as to commit murder of the son of



informant. Learned senior counsel further pointed out that co-accused, namely Madhav Choudhary, has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 22165 of 2023 vide order dated 18.05.2023. While concluding the argument, it is submitted that 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 as per narration of the F.I.R. specific allegation to cause bullet injury over the chest of the son of informant is available against this petitioner.

7. In view of the facts and circumstances as mentioned above and by taking note of the contradictory statements of eye-witness of this occurrence, *qua*, fatal firearm injury, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.11.2022, accordingly, petitioner, above named, is 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.)

S.Tripathi/-

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