

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32434 of 2022

Arising Out of PS. Case No.-397 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Praduman Kumar @ Chipra, S/o Pappu Paswan, Resident of Village- Aga
Hushain Chauraha (Naya Tola), P.S.- Chowk (Patna City), District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Subodh Kumar, Advocate
For the State : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 04-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Chowk
(Patna City) P.S. Case No.397 of 2021 registered for the offence
punishable under Sections 302, 201, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

As per allegation, the informant has received
intimation from his nephew that his son has been shot at near
the *Puja Pandal*. He has rushed to the place to find his son in a
pool of blood and having sustained a gun-shot injury. He has
learnt through CCTV footage that earlier there was an
altercation between his son and co-accused Chunnu Chaudhary.
He has thus stated that said Chhunu Chaudhary along with the
petitioner and Pappu Paswan has shot at his son, leading to his
death.

The learned counsel for the petitioner submits that
neither the informant nor his nephew Sawan Chaudhary is an
eye-witness to the occurrence. The motive regarding altercation



is also specifically by name against co-accused Chhunu Chaudhary. The petitioner having no antecedents, merely on suspicion has been named and is in custody since 24.12.2021. It is also submitted that the alleged CCTV footage has never been examined in the course of investigation and the allegation of firearm assault by four persons is belied by the post-mortem report, wherein there is only one firearm injury.

Learned APP for the State has opposed the prayer for bail. He has submitted that the prosecution case has been reiterated by the informant and there is specific allegation by name against the petitioner in the FIR of having aided co-accused Chhunu Chaudhary and firing upon the deceased.

The Court has considered the submissions and gone through the paragraphs of the case diary, referred to by the learned APP. For the limited purpose of consideration for grant of bail, this Court would find that the statement of the organizer has also been examined in the course of investigation. Statement of the organizer as well as Sawan Chaudhary reveals that neither of them have seen the occurrence and the petitioner's implication is along with co-accused Chhunu Chaudhary with whom there was alleged altercation providing the motive for assault. The petitioner also has no criminal antecedents and is in custody since 24.12.2021.

Considering the above noted facts and circumstances, the period of custody, investigation is complete and also the fact that there is no progress at the trial as per the report of the trial court dated 21.01.2023, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

The Court's consideration above shall not be taken as



an expression on merits of the allegation, which is yet to be considered at the trial.

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 court of District & Sessions Judge-II, Patna City, in connection with Chowk (Patna City) P.S. Case No.397 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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