

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35439 of 2023

Arising Out of PS. Case No.-229 Year-2021 Thana- MUNGER MUFFASIL District- Munger

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GOBINDA CHOUDHARY Son of Late Ashok Choudhary Resident of village
- Terasi, Pir Pahar, P.S. - Muffasil, Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jainandra Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mr. Jainandra Kumar, learned counsel

 appearing on behalf of the petitioner and Mr. Satyendra

 Narayan, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Muffasil P.S. Case No. 229 of 2021, registered for the
offences punishable under Sections 147 and 302 of the Indian
Penal Code and Sections 27 and 35 of the Arms Act.

3. It is alleged that the husband of the informant
had gone near the shop of Braj Bihari Mandal for sleeping and
in the meantime when the informant went to call her husband,
she saw that the petitioner and other accused persons armed
with deadly weapons arrived there and this petitioner fired upon
the chest of the husband of the informant, resulting into his
death.



4. Learned counsel appearing on behalf of the petitioner submits that in fact the informant is not an eye witness to the alleged occurrence and prior to institution of this case, the mother of the petitioner had filed Muffasil P.S. Case No. 219 of 2020 on 15.09.2020 against the husband of the informant and others. He next submits that during the course of investigation the aforesaid occurrence has also not been supported by other witnesses and in fact the deceased was killed by some unknown miscreants and only on suspicion the name of the petitioner and others have been implicated in this case.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the specific allegation has been levelled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of accusation and the fact that the petitioner is the author of fatal injury, the Court is not inclined to allow the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

(Harish Kumar, J)

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