

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45074 of 2023

Arising Out of PS. Case No.-411 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

DHARAMVEER CHAUDHARY @ DHARWA S/o- SATRUGHAN
CHAUDHARY R/Village- Matihani P.S.- Matihani Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 341, 307, 302, 504, 506, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, as soon as the informant along with his friends reached near Masuri School, co-accused Vivek Kumar, Jayant Kumar, Aniket @ Bittu along with 4-5 unknowns persons started firing upon the informant, due to which he sustained injury over right side of his chest. It is further alleged that Ankit Kumar died on the spot and one Raja Kumar is under treatment.

It is submitted by learned counsel for the petitioner



that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. Petitioner is not named in the F.I.R. His name has been surfaced in this case on the basis of confessional statement of co-accused Vivek Kumar, before the police which has no evidentiary value in the eye of law. There is no specific allegation against the petitioner. During investigation, save and except the confessional statement of co-accused, no other consistent material has come against him which shows his complicity in the present occurrence. Similarly situated co-accused namely, Guddu @Gudla @ Mohan Kumar has already been enlarged on bail by this Court vide order dated 24.03.2023 passed in Cr. Misc. No.44 of 2023 which is annexed as Annexure-2 of this petition. Moreover, the petitioner is languishing in judicial custody since 03.05.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Begusarai Town P.S. Case No.411 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees



ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai.

(Sunil Kumar Panwar, J)

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