

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44670 of 2022

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

Chunnu Chaudhary @ Kundan Kumar, Son of Pradeep Chaudhary, Resident
of Mohalla - Lal Imli, P.S.- Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amaresh Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, 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 Sessions Trial No.481 of 2022, arising out of 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, which is pending in the court of learned A.C.J.M.-IV, Patna City.

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



none has seen the occurrence. Even in the investigation, none has come forward to claim witnessing the occurrence, and other than suspicion, based on alleged altercation of the deceased with the instant petitioner, there is no cogent material to connect him with the case. The petitioner is in custody since 04.01.2022. Investigation is complete.

Learned APP for the State has opposed the prayer for bail. It is submitted that prior to the killing, the deceased had an altercation with the instant petitioner, which is stated by the witnesses during the course of investigation as also by the informant in the FIR. The petitioner is also having an antecedents in Chowk P.S. Case No.381 of 2020 for the alleged offence under Sections 341, 323, 307, 506/34 of the Indian Penal Code, in which he is on bail.

Considering the rival submissions, nature of accusation and criminal antecedents of the petitioner, this Court, for the present, is not inclined to allow the prayer. The same is rejected.

(Madhuresh Prasad, J)

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