

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44723 of 2022

Arising Out of PS. Case No.-196 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

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GOLU KUMAR CHAUDHARY @ GOLU CHAUDHARY Son of Sanjay
Kumar Chaudhary Resident of Village - Sherpur, P.S.- Vidhyapati Nagar,
Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Vidhyapati Nagar P.S. Case No. 196 of 2020 registered for the
offences punishable under Sections 302, 120B/34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per prosecution case, petitioner and others
surrounded the informant's son. It is further alleged that on the
order of co-accused Arvind Kumar Chaudhary, co-accused
Suman Chaudhary fired upon the informant's son which hit him
on his stomach and petitioner Golu Chaudhary also fired which



hit the informant's son on his back.

Learned counsel for the petitioner submits that petitioner is in custody since 10.01.2022. Petitioner bears one criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. He further submits that as per F.I.R. there are two injuries, one is on the stomach and another is on the back side of the deceased but postmortem report shows that there is only one entry wound on the front side and exit wound from the back side of the deceased and bullet is not found in the body. From the perusal of F.I.R., there is specific allegation against co-accused Suman Chaudhary that Suman Chaudhary has fired upon the deceased at his stomach and petitioner fired upon the back side of the deceased but from the perusal of postmortem report, there is no any injury on the back side, in this way petitioner is just a member of mob and he is not the assailant of the deceased. Learned counsel further submits that co-accused Sanjay Kumar Choudhary alias Sanjay Choudhary and co-accused Arvind Choudhary alias Arvind Kumar Choudhary have already been granted bail by a co-ordinate bench of this Court vide Cr. Misc.



No. 45328 of 2021 and Cr. Misc. No. 30167 of 2021 respectively and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused persons have already been granted bail, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Dalsingsarai in connection with Vidhyapati Nagar P.S. Case No. 196 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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