

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48665 of 2023

Arising Out of PS. Case No.-651 Year-2022 Thana- JAKKANPUR District- Patna

Deepak Choudhary S/O Devanand Choudhary @ Brijnandan Choudhary R/O
Village- Damaria, P.S- Gardanibagh, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No. 2, Adv.

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302/ 34 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been lodged against 3 named accused persons that they alongwith the co-accused persons went to the shop of the brother of the informant and asked him to purchase product from them. Upon refusal, accused persons fired on the victim and as a result, he died.

4. Learned counsel for the petitioner submits that the F.I.R. has been lodged against the named accused persons. The role of those accused persons have also been fully described in

the *fardbeyan*. Counsel submits that the petitioner's name was not there in the F.I.R. rather his name has figured in this case by virtue of the confessional statement of the co-accused.

5. Learned counsel for the petitioner further submits that the other similarly situated persons have been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 23.06.2023 & 27.06.2023 passed in Cr. Misc. No. 13491 of 2023 & Cr. Misc. No. 18117 of 2023 respectively.

6. Learned counsel for the petitioner further submits that it is true that there is one criminal case pending against the petitioner in which he is on bail. Counsel further submits that the petitioner is a law abiding citizen and ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

7. Learned A.P.P. for the State opposes the prayer for bail and submits that petitioner is not named accused of the F.I.R.

8. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount

each to the satisfaction of the learned A.C.J.M. -VIIIth Patna, in connection with Jakkanpur P.S. Case No. 651 of 2022, dated 18.11.2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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