

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53107 of 2023

Arising Out of PS. Case No.-281 Year-2022 Thana- BACHHWARA District- Begusarai

Raukins Kumar @ Govind @ Bantha @ Rakins Kumar S/O Chandra
Bhushan Chaudhary @ Munna Chaudhary R/O Village- Fateha, P.S-
Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bachhwara P.S. Case No.281 of 2022 instituted under Sections 302, 120(B) of the IPC and Section 27 of the Arms Act lodged on 01.11.2022 by the informant Upendra Yadav.

As per the prosecution story, the allegation is that the informant was sitting in his shop with Sunil Kumar Yadav, the accused persons including the petitioner armed variously came at the shop and after threatening as to why the compromise has not been made, it is alleged that Kanhaiya Chaudhary opened fire which hit the chest of his son. The further allegation of firing is against other accused persons also. Subsequently, his son succumbed to the injuries thus, the FIR.

It is the case of the petitioner that specific allegation is



against Kanhaiya Chaudhary and omnibus against the other accused persons. He has remained in custody since 30.11.2022 (para-9 of the petition). He further submits that similar situate other accused persons whose name were also in the FIR, namely, Madhav Choudhary @ Madhav Kumar, Shubham Chaudhary, Shivam Kumar Choudhary have since been granted bail by coordinate benches in Cr. Misc. No.22165 of 2023 and Cr. Misc. No.25010 of 2023 respectively.

Let the same be kept on record.

Learned APP opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner, admittedly, the specific allegation is against Kanhaiya Choudhary, the petitioner has remained in custody since 30.11.2022, other similar situate persons/accuseds have been granted bail, as stated above, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bachhwara P.S. Case No.281 of 2022 to the satisfaction of learned Additional Sessions Judge, XI, Begusarai, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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