

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53523 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- BACHHWARA District- Begusarai

KAMAL KUMAR CHOUDHARY @ KAMAL CHOUDHARY Son of
Jawahar Chaudhary R/V- Fateha, P.S- Bachhwara, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302,120(b)of IPC and Section 27 of
Arms Act.

The prosecution case in brief is that one co-accused,
Akhilesh Choudhary, invited the son of the informant on dinner
and when informant reached to the house of Darshan Sada, he
saw that his son was standing near the motor cycle and
thereafter it is alleged that, in the meanwhile, all the FIR named
accused persons and four unknown persons started firing on the
son of the informant. It is further alleged that co-accused, Gopal
Choudhary, fired first at the leg of informant's son, whereafter
co-accused, Sushil Choudhary fired second shot hitting other leg



of the deceased. When the deceased tried to run away, the accused persons chased him and when the deceased fell, co-accused Prem Kumar Choudhary fired on the back and waist of the deceased and co-accused, Gopal Choudhary, fired on the chest and thereafter all the accused persons also fired on the son of informant. All the accused persons wielding weapons threatened the informant not to lodge the case otherwise he would be killed and fled away. The injured son of the informant was brought to hospital where he was declared dead by the doctor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the FIR and the petitioner is brother of the deceased and it appears from the FIR that there is no allegation against the petitioner and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused persons, namely, Gopal Chaudhary and Sushil Chaudhary. Further submits that except the confessional statement of the co-accused persons, namely, Gopal Chaudhary and Sushil Chaudhary, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the



present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 30.05.2022.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Begusarai P.S.Case No.40 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.



(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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