

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56228 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- RAJGIR District- Nalanda

SANJAY CHAUDHARY Son of Anil Chaudhary Resident of village -
Dayaram Nagar Dih, P.S. - Rajgir, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is in judicial custody in connection with Rajgir P.S. Case No. 133 of 2023 registered under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code later on Section 302 of the Indian Penal Code was added lodged on 08.03.2023 by the informant, Gulabi Devi.

As per the prosecution story, the informant has alleged that her husband was standing on the road in front of his house when named accused persons, namely, Umesh Chaudhary, Putul Chaudhary, Mohand kumar and Pahriya Kumar came armed variously and further allegation is that co-accused persons, Putul Chaudhary and Umesh



Chaudhary having pistol in their respective hand opened fire which hit his back. He fell down and as the people gathered, he was rushed to Pawapuri Hospital and then to PMCH, Patna where he succumbed to the injuries. Accordingly, the FIR.

It is the case of the petitioner that specific allegation has been made against co-accuseds, Putul Choudhary and Umesh Chowdhury of having opened fire causing the death of the informant's husband. So far as this petitioner is concerned, a bare perusal of the FIR would show that in the last line, it has been somehow incorporated that this petitioner too opened fire, the same was only to implicate him, because he being the members of the families of co-accuseds, Putul Choudhary and Umesh Choudhary.

Learned APP opposes the prayer for bail stating that in the FIR, his name has come.

The Court has gone through the FIR, specific allegation is against co-accuseds, Putul Chaudhary and Umesh Chaudhary of opening fire causing the death of the informant's husband, in the last line, it has been



incorporated there that this petitioner also opened fire, is in custody since 13.03.2023 (as stated in paragraph-4 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Rajgir P.S. Case NO. 133 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her 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 his 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)

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