

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55537 of 2023

Arising Out of PS. Case No.-347 Year-2021 Thana- ARA NAWADA District- Bhojpur

Prakash Chaudhary, S/O Late Hemant Chaudhary @ Hemand Chaudhry, R/O
Village- Belaur, P.S- Udwantnagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Advocate Mr. Binay Kumar, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-10-2023 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner, who is in custody since 11.04.2021, has renewed his prayer for bail in connection with Ara Nawada P.S. Case No. 347 of 2021, having earlier been rejected by order dated 07.11.2022 passed in Cr. Misc. No.33553 of 2022 for the alleged offences under Sections 307, 302, 120 (B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and other co-accused persons opened fire on the son of the informant and two other persons. The son of the informant died during treatment.

4. The learned senior counsel appearing on behalf of



the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected vide order dated 07.11.2022 passed in Cr. Misc. No.33553 of 2022. The learned senior counsel further submits that the petitioner is in custody since 11.04.2021 and charges have not been framed till date in the present case. The learned senior counsel further submits that after investigation, the police submitted final form against three co-accused persons, who were said to have also fired upon the son of the informant shooting him in his head. So, major part of the allegation goes with the closure report submitted by the police against other co-accused persons and it falsifies the whole prosecution story. The learned senior counsel further submits that the informant and his son are notorious criminals and both were having a large number of criminal cases of serious nature against them and the deceased might have been murdered by any of his enemies and the petitioner has been falsely implicated in this case. The learned senior counsel further submits that even the FIR has been registered after a delay of nine hours and it shows deliberation on the part of the informant against the petitioner, who is having clean antecedent. The learned senior counsel further submits that moreover, the occurrence is stated to have



taken place on 24.03.2021 and it was peak period of Covid-19 and there was no occasion for the informant to be present at the place of occurrence and the natural inference is that the informant was not present and he has projected himself as an eye witness.

5. Learned A.P.P. opposes the prayer for bail of the petitioner. The learned APP submits that no fresh ground has been brought on record to consider the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact about submission of closure report against three co-accused persons with similar allegation making the prosecution case doubtful and further considering that charges are yet to be framed and the petitioner is in custody since 11.04.2021 and likely delay in conclusion of trial and also considering the clean antecedent of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge, Bhojpur at Ara, in connection with Sessions Trial No.361 of 2023, arising out of Ara Nawada P.S. Case No. 347 of 2021,



subject to the conditions mentioned in Section 437 (3) of the
Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative
of the petitioner.

(ii) The petitioner will remain present on
each and every date fixed by the court
below.

(iii) In case of absence on three consecutive
dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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