

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59934 of 2023

Arising Out of PS. Case No.-66 Year-2021 Thana- AAJAM NAGAR District- Katihar

Santosh Choudhary @ Tarjan Son Of Jitendra Kumar @ Jitendra Kumar Choudhary Resident Of Village- Padiya Bariyarpur, Tola Bariyarpur P.O. - Bariyarpur, P.S.- Bariyarpur, Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per FIR, the allegation is that on 03.04.2021 around 7.00 P.M. the informant received information that some unknown persons fire gun-shot upon his brother and fled away. When he went to the place of occurrence and saw his brother lying in the pool of blood, the police came and took his brother to the hospital for treatment, later on he came to know that his brother was died.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. Neither the petitioner is



named in the F.I.R. nor any incriminating article has been recovered from his conscious possession. During investigation, no consistent evidence has come against the petitioner. His name has been transpired in this case on the basis of confessional statement of co-accused Ajay Mandal, who has already been enlarged on bail by another coordinate Bench of this Court vide order dated 04.09.2023 passed in Cr. Misc. No.58432 of 2023. It is also submitted that petitioner is languishing in judicial custody since 09.05.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Azamnagar (Salmari) P.S. Case No.66 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of Vth Additional District and Sessions Judge, Katihar.

(Sunil Kumar Panwar, J)

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