

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5358 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

Upendra chaudhary S/O Janeshwar Chaudhary R/O- Belaur, Ps. Udwant Nagar, Dist. Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar, Advocate
For the Opposite Party/s	:	Mr.Choubey Jawahar, APP
For the informant	:	

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Udwant Nagar P.S. Case No. 195/2023, lodged on 29.04.2023 under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against seven named accused persons including the petitioner alleging therein that all the accused assaulted the father of the informant. It is specifically alleged that on the instigation of the petitioner co-accused Butan Chaudhary fired which hit the chest of the informant's father while co-accused Rishi Chaudhary caused bullet injury on the abdomen of the



informant's father whereas co-accused Kariman Chaudhary caused bullet injury on the hand of the informant's father.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. There is no specific allegation against the petitioner, rather his name has been inserted in the FIR at the instance of the informant. The petitioner is in custody since 30.04.2023 and there were five criminal cases pending against him. Out of five cases, in four cases, he has been granted bail while in one case he has been acquitted. Moreover, the chargesheet has already been submitted.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that as per the FIR, the petitioner is not the only order giver rather he is the person who fired on the chest of the informant and this statement has been narrated by the informant who an eye witness.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, the learned counsel for the petitioner submits that he is not aware of the fact whether the charge has been framed or not.



7. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Udwant Nagar P.S. Case No. 195/2023, pending before the learned Sessions Judge, Bhojpur Ara, is hereby rejected.

9. However, the trial Court is directed to release the petitioner on bail by imposing its own condition so that the petitioner may not evade appearance during trial, if he renews his prayer for bail after framing of charge.

10. With this observation, the bail application stands disposed off.

(Dr. Anshuman, J)

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