

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16222 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- TAJPUR District- Samastipur

Piyush Chaudhary, aged about 20 years, Son of Vinay Chaudhary, Resident of
Sri Rampur Aydhya Bhagwanpur Vaini, Ganga Pur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhter, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Tajpur
P.S. Case No. 415 of 2023 instituted for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per the prosecution case, the informant's son has
sustained pellet injury and during his treatment the son of the
informant has died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case on the basis of suspicion.
Petitioner is not named in the FIR. Neither the petitioner was



apprehended at the spot nor anything was recovered from the possession of the petitioner. The FIR has been lodged after fourteen days of the incident and there is no any plausible explanation in this regard. Petitioner is in custody since 12.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Samastipur dated 23.01.2024, it appears that the petitioner is not named in the FIR and his name has been surfaced during course of investigation. It has further been submitted that the informant is not an eye witness of the occurrence and the investigating officer after investigation submitted chargesheet under section 304/34 of the IPC and Section 27 of the Arms Act. Petitioner name has been surfaced in the confessional statement of co-accused Kishan Kumar, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after commitment of the case* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Samastipur in connection with Tajpur PS Case No. 415 of 2023.

7. The trial Court is directed to conclude the



proceeding of commitment within a period of one month.

(Ramesh Chand Malviya, J)

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