

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23283 of 2024

Arising Out of PS. Case No.-301 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

Dinesh Kumar Choubey S/O Late Rajendra Choubey @ Nidar Choubey R/O
Village- Katra Kala, P.S- Mohania, Distt.- Kaimur (BHABHUA).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate
	:	Mr. Brajesh Prasad Gupta, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. Rajendra Narain, learned senior counsel for the petitioner and Mr. Nand Kishore Prasad, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks bail, who is in custody since 11.12.2023, in connection with Mohania P.S. Case No. 301 of 2018, FIR dated 21.05.2018 registered for the offence under Section(s) 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, petitioner along with other co-accused persons is said to have fired upon the father of the informant.

4. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further



submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation on the petitioner of shooting the deceased and the post-mortem report does not support the allegation as alleged in the FIR. He further submits that according to the FIR it appears that five persons have fired upon the deceased but the post-mortem report suggests that only two injuries was found on the deceased, one is the wound of entry and another is the wound of exit. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 11.12.2023.

5. Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner.

6. Considering the nature of the allegation as well as post-mortem report of the deceased, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Mohania in connection with Mohania P.S. Case No. 301 of 2018 with the following conditions:-



(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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