

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34722 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- BARIYARPUR District- Munger

Pawan Choudhary S/o Late Shanker Choudhary R/o vill - Mahadeva Hatia,
P.S. - Bariarpur, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case
instituted for the offence under Section 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, informant was sitting
at his shop and heard the sound of firing. He came out and
saw that all FIR named accused persons were firing
indiscriminately. It is further alleged that co-accused Dulo
Mandal fired upon Pankaj Mandal and co-accused Vickey
Mandal, Dhiraj Mandal and Rahul Mandal fired upon Ranjan
Mandal resulting into death of two persons, namely, Pankaj



Kumar Mandal and Ranjan Kumar Singh.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Petitioner was only the member of mob. No specific allegation of firing is attributed to the petitioner. General and omnibus allegation has been levelled against the petitioner. Specific allegation of firing is against accused, Dulo Mandal, Vicky Mandal, Dhiraj Mandal and Rahul Mandal. No one is the eye witness of the alleged occurrence. During investigation, no consistent material has come against the petitioner to show his involvement in the present case. The petitioner is languishing in judicial custody since 01.11.2023. Similarly situated co-accused Jatan Mandal has already been granted bail vide order dated 03.01.2024, passed in Cr. Misc. No. 70505 of 2023 by this Court.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that petitioner is named in the FIR. As per postmortem report, doctor opined cause of death due to fire arm injuries.



Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Munger in connection with Bariyarpur P.S. Case No. 112 of 2023.

(Sunil Kumar Panwar, J)

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