

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66450 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Wakil Choudhary @ Wakil Chaudhary, Son of Late Mishri Lal Choudhary,
R/o village - Laskara, Ward No. 01, P.S. - Tajpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Musrigharari P.S. Case No. 32 of 2023 registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the minor son of the informant was shot dead by unknown miscreants. During investigation, the name of the petitioner transpired as one of the conspirators.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to political rivalry as the petitioner contested the election of Mukhiya in the year 2021 and also for the Members of



Legislative Assembly. During investigation, the police arrested co-accused Taslim, who confessed to his crime of committing murder of two persons and in both the cases, the petitioner has been made accused as conspirator including the present one. During investigation, statements of witnesses were recorded and the CCTV footages were also obtained, but none of the witnesses said about seeing the petitioner with co-accused persons and even in the CCTAV footage, this petitioner was not there. The victims were young boys and it appears some dispute and quarrel took place amongst the youths in which two persons lost their lives. The learned counsel further submits that the talk between the petitioner and other co-accused persons on mobile phone does not mean that conspiracy was being hatched by them. The learned counsel further submits that the petitioner is accused in two more cases and one of the case is arising out of the same transaction as the present case.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner is one of the conspirators and the co-accused named him for his involvement and in paragraph 78 of the case diary his mobile location is stated to be near the place of occurrence.

6. Perused the records.



7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner and further considering the possibility of false accusation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, 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-1, Samastipur, in connection with Musrigharari P.S. Case No. 32 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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