

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67519 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- AZIMABAD District- Bhojpur

SANTOSH NISHAD @ SANTOSH CHOUDHARY @ LALU S/O LATE
RAM ISHWAR CHAUDHARY R/O VILLAGE- NURPUR, P.S-
AZIMABAD, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68458 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- AZIMABAD District- Bhojpur

RAUSHAN NISHAD @ LALU SON OF LATE RAMISHWAR
CHOUDHARY RESIDENT OF VILLAGE- NURPUR, PS- AZIMABAD,
DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67519 of 2023)

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

(In CRIMINAL MISCELLANEOUS No. 68458 of 2023)

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 19-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with



Azimabad P.S. Case No. 23 of 2023 lodged on 0503.2023 under Section 341/323/307/504/506/34 of the Indian Penal Code and 27 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged against five named accused persons including the present petitioner against whom there are allegation that petitioners of both the cases have fired gun shot on the informant's son from which he was injured.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the criminal antecedent of the petitioner of first case is not clean and there are three cases pending against him in which he is on bail and he is in custody since 03.08.2023.

5. So far as the petitioner of second case is concerned, he has one criminal case pending against him in which he is on bail and petitioner is in custody since 03.08.2023.

6. Learned APP for the State opposes the prayer for bail and submits that there is allegation against the both the petitioners to cause fire arm injury. On earlier occasion, case diary has also been called for. Upon perusal of the case diary and injury report, it seems that the injury has been caused by hard and blunt substance.



7. Upon specific query made by learned counsel for the petitioners that charge has been framed in this case or not, counsel submits that charge has already been framed in this case.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners of both the cases be granted bail *after framing of charge, if the charge is not framed yet* and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Aara in connection with Azimabad P.S. Case No. 23 of 2023 subject to the condition laid down under Section 437(3) of the Cr.P.C.

9. However, petitioners shall be granted bail only on being satisfied by the trial court that the petitioners of both the cases are not absconding in any of the cases pending against them whose details are as follows:-

Petitioner of Cr. Misc. No. 67519 of 2023.

- Azimabad P.S. Case No. 70/2021
- Azimabad P.S. Case No. 49/2022
- Azimabad P.S. Case No. 71/2022

Petitioner of Cr. Misc. No. 68458 of 2023.



- Azimabad P.S. Case No. 15/2020

(Dr. Anshuman, J)

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