

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78017 of 2023

Arising Out of PS. Case No.-229 Year-2021 Thana- MUNGER MUFFASIL District- Munger

Sanjay Choudhary S/O Late Maheshwar Choudhary Village- Mai Terasi, Pir
Pahar, P.S. Muffasil, Dist. Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainandra Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 10-04-2024 Heard Mr. Jainandra Kumar, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

2. The petitioner seeks regular bail, who is in custody in connection with Muffasil P.S. Case No. 229 of 2021, registered for the offence punishable under Sections 147 and 302 of the Indian Penal Code and Sections 27 and 35 of the Arms Act.

3. Allegedly, while the informant's husband was sleeping near the shop of Braj Bihari Mandal, in the meantime, the petitioner and other accused persons armed with weapons arrived there and started firing. It is specifically alleged that co-accused Gobinda Choudhary fired upon the deceased, which hit in the right side of the chest leading to his death. Having seen the occurrence, when the informant started crying, the accused persons succeeded in fleeing away by making firing.



4. It is submitted on behalf of the petitioner that from the allegations narrated in the FIR, it appears that the informant was not even an eyewitness to the alleged occurrence as the occurrence took place in the night of 26.08.2021 at 11:00 PM and, moreover, even if the allegation taken to be true, the specific allegation has been levelled against Gobinda Choudhary, whose prayer for bail has already been rejected by this Court in Cr. Misc. No. 35439 of 2023. It is next submitted that the other co-accused person, who is said to be accompanied co-accused Gobinda Choudhary, has already been allowed the privilege of regular bail in Cr. Misc. No. 70120 of 2023 vide order dated 03.11.2023, the copy of which has been produced before this Court and taken on record. It is next submitted that the petitioner has been incarcerated since 01.06.2023. The investigation has already been completed and charge-sheet submitted and, as such, there is no chance of tampering of the evidence or absconding of the petitioner. That apart, the petitioner is a man of fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the omnibus nature of allegation has been levelled against all the FIR named accused persons, including the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation against the petitioner as also the fact that the author of the fatal injury is alleged to be co-accused Gobinda Choudhary, besides the aforesaid facts, the petitioner is having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Muffasil P.S. Case No. 229 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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