

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88341 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- VIDYAPATINAGAR District-
Samastipur

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Madhav Kumar Son of Late Ram Sringar Choudhary @ Late Tuntun
Choudhary village - Sherpur Dhepura , Police Station - Vidyapatnagar ,
District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Vidyapatnagar P.S. Case No. 166 of 2023, instituted for the

offences punishable under Sections 341, 307, 504, 506, 34 of

the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, on the order

of co-accused Shubham Kumar, petitioner put out a country

made pistol from his waist and gave it to co-accused Raman

Kumar and he opened fire but, fortunately, the bullet did not hit

the informant's son.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that there is delay of four days in lodging the FIR. No specific allegation of firing has been attributed against the petitioner. Specific allegation of firing is against co-accused Raman Kumar. The allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 12.09.2024 and has got one criminal antecedent in which he is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted regular bail by this Court vide order dated 18.03.2024 passed in Cr. Misc. No. 19977 of 2024 and order dated 22.11.2024 passed in Cr. Misc. No. 81417 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Vidyapatinagar P.S.
Case No. 166 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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