

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51355 of 2025

Arising Out of PS. Case No.-44 Year-2024 Thana- Parihara District- Begusarai

Phoolo Choudhary @ Phool Chaudhary @ Chandramani Choudhary @ Phool Babu S/o Late Madhav Choudhary Resident of Village- Parihara, Ward No 5, PS - Parihara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Parihara P.S. Case No. 44 of 2024, registered for the offences under Sections 126(2), 115(2), 109, 352, 351(2) of the BNS and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner threatened the informant with life and fired upon him thrice.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to his criminal history. The whole prosecution story is false and fabricated. Though there is allegation of indiscriminate firing upon the informant against



the petitioner but no spent cartridges have been recovered from the alleged place of occurrence, it creates doubt over the prosecution case. It is also apparent that no one received any injury which is very surprising. From the prosecution case as described in the written report, no case under Section 109 of the BNS and Section 27 of the Arms Act is made out against the petitioner and only allegation remains is that of threatening the informant with life. From the FIR, it is also apparent that there are other cases running between the parties. There is no substantive material to connect the petitioner with the offences as alleged. Charge sheet has been submitted on 26.04.2025 and the petitioner is in custody since 02.04.2025. The petitioner has got antecedent of ten cases but he is on bail in all these cases.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no one received any injury in the firing allegedly opened by the petitioner and further considering the submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with



two sureties of the like amount each to the satisfaction of learned J.M.F.C., Begusarai/concerned court, in connection with Parihara P.S. Case No. 44 of 2024, subject to the condition laid down under Section 480(3) of the BNSS and other 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Anuradha/-

U		T	
---	--	---	--

