

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81553 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- CHANDI District- Bhojpur

Prakash Choudhary Son of Late Hemant Choudhary R/o Vill-Belaur P.S.-
Udwantnagar ,Distt-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Ms. Kanchan Kumari, Advocate Mr. Gopesh Raj, Advocate
For the Opposite Party/s :		Mr. Binod Kumar, APP

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

ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Chandi
P.S. Case No. 266 of 2023 instituted for the offence under
Sections 147, 148, 149, 341, 307/506 of the Indian Penal Code
and Section 27 of the Arms Act. Earlier *vide* order dated
26-04-2024, passed in Cr. Misc. No. 22227 of 2024, bail of the
petitioner was rejected with liberty to renew his prayer for bail
if the trial is not concluded within a period of six months.

3. Prosecution case in short is that petitioner along
with other co-accused persons, armed with various weapons,
reached at the place of occurrence, threatened the informant and



started firing, due to which the informant sustained fire arm injuries on his left shoulder, right wrist and in his stomach.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24-10-2023. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is case and counter case between the parties. It is also submitted that the occurrence took place due to settlement of sand ghat for the tender and there was firing from both sides. It is further submitted that petitioner has also sustained injury in the cross firing. It is lastly submitted that charge is not framed till date. Other co-accused has been granted bail by this Court *vide* order dated 02-02-2024, passed in Cr. Misc. No. 4482 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that allegation against the petitioner is serious in nature, hence, he does not deserve the privilege of bail.

7. A report from the trial court was called for and it is reported that the case is committed to the court of session for



trial.

8. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and there being no likelihood of the trial being concluded in the near future, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chandi P.S. Case No. 266 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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