

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22405 of 2015

Arising Out of PS.Case No. -372 Year- 2014 Thana -BATHNAHA District- SITAMARHI

Subodh Choudhary S/o Bikau Choudhary R/o village - Jamuna Barahi, P.S.
Bathnaha, District - Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Ajay Kumar Thakur and
Mr. Dinesh Jha, Advocates.

For the Opposite Party/s : Md. Ansarul Haque (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-09-2015 Heard both sides

The petitioner seeks bail in a case under Section 302
and other sections of the Indian Penal Code.

The informant named as many as seven persons and
alleged that Madan Choudhary was driving the motorcycle and
Subodh Choudhary (the petitioner) and Dilip Choudhary were the
pillion riders. Dilip Choudhary and Subodh Choudhary fired
killing the brother of the informant on the spot. The post-mortem
report also shows that the deceased got firearms injuries and he
died.

Shri Ajay Kumar Thakur, learned counsel for the
petitioner, submits that of course there is a direct allegation
against the petitioner but, during the course of investigation, the
witnesses have stated that the petitioner was not even present at

the place of occurrence. Some of the witnesses have stated that the petitioner was working in his field.

Taking into consideration that the plea of alibi shall be considered at the time of trial and the fact that it was the petitioner and Dilip Choudhary, who fired, causing the death of the brother of the informant, I am not inclined to enlarge the petitioner on bail in Bathnaha P.S. Case No. 372 of 2014. Accordingly, the same is rejected.

However, the trial court is directed to expedite the trial holding the same on day-to-day basis and conclude the same within one year from the date of receipt / production of this order.

The Superintendent of Police, Sitamarhi is directed to ensure the attendance of the witnesses so that the trial of the aforementioned case must be concluded within one year.

Let a copy of this order be sent to the Superintendent of Police, Sitamarhi for compliance.

(Prabhat Kumar Jha, J)

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