

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24438 of 2015

Arising out of PS.Case No. -2 Year- 2014 Thana -SAMHO District- BEGUSARAI

Upendra Choudhary, Son of Late Ram Swaroop Choudhary, resident of Village Akwarpur Dhanha P.S. Samho, District Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sada Nand Ray, Advocate.

For the Opposite Party : Mr. Ram Shankar Das(Spl.App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 17.07.2014 in connection with Shamho P.S. Case No. 02 of 2014 for the offences instituted under Sections 302/34 of the I.P.C., 27 of the Arms Act and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

The prosecution story, in brief, is that on 09.03.2014 while the informant along with his labourer Ram Sumiran Paswan was to return to his house after irrigating his maize field, the petitioner along with Balram Choudhary including other unknown persons came over there. Balram Chudhary abusing them ordered to fire. On seeing the accused persons the informant and his brother run away but his labourer was caught hold and abused by

him calling his caste name and was killed by fire arm.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.07.2014 and the case has already been committed to the Court of Sessions. As per allegation, it is submitted that there is no eye witness to the occurrence and merely on suspicion the petitioner has been named in the F.I.R.

On behalf of the State it has been submitted that the informant is the eye witness to the occurrence who had managed to flee away from the place of occurrence when the petitioner had come on the field where the alleged occurrence is said to have taken place and the dead body was recovered in the morning.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner in connection with Sessions Trial no. 72/2015, arising out of Samho P.S. Case No. 02/2014, pending in the court of the learned Additional Sessions Judge-I, Begusarai. The same is rejected. Anyhow, the court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)