

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24810 of 2015

Arising out of PS.Case No. -83 Year- 2014 Thana -ROH District- NAWADA

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Balgovind Choudhary, Son of Sri Raj Kumar Choudhary, resident of village
- Jakhaur, P.S. Roh, District – Nawadah.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Ranjan Kumar, Advocate.

For the Opposite Party : Mr. R.P.S Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 03.01.2015
in connection with Roh P.S. Case No. 83 of 2014 for the offences
instituted under Section 302/34 of the IPC.

The prosecution story, in brief, is that on 11.12.2014 at
about 3.00 P.M., the informant's husband Yugal Chaudhary had
been gone from his house, after a distance of 500 yards, for
tapping palm tree and bringing toddy and at that time the
petitioner and Sujit Chaudhary, Asha Devi came there and started
using filthy languages against the informant's husband and the
petitioner assaulted the informant with *Pajauna* on the back of
head due to which the informant's husband became unconscious



and thereafter other accused persons assaulted him with *Pajauna* and the petitioner's brother Sujit Kumar assaulted him with *Lathi* on his right leg. Accused Asha Devi was telling to Balgovind Chaudhary to kill the informant's husband. It is also alleged that the informant's three sons used to live out of the State i.e., Delhi, Mumbai, for earning their livelihood and with the help of others the informant carried her husband to Ma Gulabi Nursing Home, Nawada, for treatment and her husband died during course of treatment at Patna.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 03.01.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner and due to village politics, the petitioner has been made accused. No deadly weapon is said to have been used in course of occurrence. In course of treatment, the deceased is said to have succumbed to the injuries.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and there is direct allegation of causing injury upon the deceased by *Pajauna* on the head of the deceased.

Considering the aforesaid facts and circumstances, I am

not inclined to grant bail to the petitioner. The same is rejected in Roh P.S. Case No. 83/2014, pending in the court of the learned J.M. Ist Class, Nawadah. Anyhow, the Trial Court is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)