

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48714 of 2015

Arising Out of PS.Case No. -366 Year- 2015 Thana -BIHTA District- PATNA

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1. Subash Choudhary, Son of Late Sitaram Choudhary, resident of Village-
Katesar, P.S.- Bihta, District- Patna..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar

For the Opposite Party/s : Mr. Arvind Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Bihta
P.S. Case No. 366 of 2015 registered for the offences punishable
under Sections 302, 201/34 of the Indian Penal Code.

Allegedly, Kundan Kumar went to sleep with Pradeep
Kumar in the premises of Durga Temple and in the morning
Kundan Kumar was found dead and his dead body was found
hanging in Sheesham Tree through Gamcha and his foot were
touching the land and Pradeep Kumar informed that the petitioner
and other co-accused have taken away Kundan Kumar in the night
and earlier there was altercation and the petitioner has caused
threats to kill the deceased within one month.

Submission is of false implication and that neither
the informant nor any one has seen the petitioner committing the

crime, in the night Pradeep Kumar has not raised any alarm or made any attempt to rescue the deceased and as such the alleged information of Pradeep Kumar appears not reliable, there is no cogent and reliable materials and the petitioner is suffering in custody since 20.05.2015. The informant and others have committed brutal murder of wife of this petitioner for which Bihta P.S. Case No. 395 of 2015 has been registered and to take revenge the petitioner has been implicated as such the petitioner deserves sympathetic consideration to which the learned APP opposes by submitting that there is strong motive for committing the murder of the deceased by the petitioner and his family members and Pradeep Kumar being eye witness has stated that the deceased was taken away forcibly by the petitioner and others and earlier the petitioner has caused threats to kill him within one month.

In the facts and circumstances stated above, considering the statement of Pradeep Kumar, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial.

(Jitendra Mohan Sharma, J)

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