

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57986 of 2015

Arising Out of PS.Case No. -300 Year- 2014 Thana -RAMPUR District- GAYA

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1. Anchal Chaudhary @ Golu Chaudhary Son of Baso Chaudhary Resident
of Village - Bagalli, P.s.- Mohanpur, District- Gaya (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Binod Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 30-03-2016 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 364, 302, 201, 120 of the

Indian Penal Code.

Petitioner is not named in the first information report

but in course of investigation, his name surfaced in confessional

statement of co-accused, Vicky Kumar and after that he as well as

some other accused were arrested and on the basis of confessional

statement of petitioner, one skeleton and clothes etc. were

recovered from a forest and after that one weapon, which is

allegedly said to be used in committing the murder of the

deceased, was recovered from the house of the petitioner.

Learned counsel appearing for the petitioner submits that there is nothing on the record to show that seized skeleton and clothes belonged to victim of the present case and so far as seized weapon is concerned, the same had not been sent for chemical examination and, therefore, the aforesaid facts clearly demolishes the prosecution case. It is further submitted that co-accused, Vicky Kumar has already been granted privilege of bail by this court vide order dated 09.09.2015 passed in Cr. Misc. No. 40353 of 2015.

On the other hand, learned counsel appearing for the informant vehemently opposed the prayer submitting that skeleton and clothes of deceased were recovered on the basis of disclosure made by the petitioner and apart from this, the weapon, used in committing the alleged crime, was also recovered from the house of the petitioner and taking note of the aforesaid fact, this court has already rejected the prayer for bail of co-accused, Birendra Prasad @ Barhan Prasad, Raj Kumar Manjhi and Shankar Manjhi and the case of this petitioner is on similar footing rather on worst footing to the case of aforesaid co-accused persons.

Regard being had to the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for

bail in connection with Sessions Trial No. 20 of 2015 arising out of Rampur P.S. Case No. 300 of 2014 pending in the court of Additional Sessions Judge-V, Gaya stands rejected.

However, learned trial court is directed to expedite the trial of the petitioner and try to conclude the same as early as possible because petitioner is languishing in jail custody since 21.10.2014.

(Hemant Kumar Srivastava, J)

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