

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55792 of 2015

Arising Out of PS.Case No. -637 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Nakul Yadav son of Ganauri Yadav, resident of Mohalla- Rajiv Nagar
Colony, P.S.- Barari, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chaudhary Prem Kumar Thakur

For the Opposite Party/s : Mr. Ambika Bhagat(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

9 08-04-2016 Supplementary affidavit has been filed annexing copy

of the deposition of Sanjay Choudhary and also a copy of the

petition and affidavit alleged to be sworn by Ritesh Kumar

Choudhary. Let it be kept on the record.

Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences

punishable under sections 302, 201 and 120 (B)/34 of the I.P.C

and section 3 (ii) (v) of the SC/ST Act.

Allegedly, Chandan Choudhary, the husband of the

informant, went with Ritesh Choudhary on the motorcycle, then

Ritesh Choudhary informed Sanjay Choudhary that the petitioner

and other co-accused had killed Chandan Choudhary and burnt him.

Submission is of false implication and that during the trial Sanjay Choudhary has been examined as P.W. 1 and he has stated that he does not know the name of Nakul Yadav, Sarvan Yadav, Manohar Yadav and others and as such the important link of this case is missing and the petitioner is suffering in custody since 02.11.2014 and as such he deserves sympathetic consideration, to which the learned A.P.P. seriously opposes by submitting that the eye witness Ritesh Choudhary has supported the allegation and has named the petitioner and during trial the accused persons are trying to tamper the prosecution evidence and as such the petitioner does not deserve bail.

In the facts and circumstances as stated above, considering that Ritesh Choudhary being an eye witness has stated the name of the petitioner regarding his involvement in the murder of Chandan Choudhary and as such at this stage I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Sessions Trial No. 176 of 2015 (SC/ST) arising out of Kotwali (Barari) P.S. Case No. 637 of 2014/ G.R. no. 3459 of 2014 pending in the court of 2nd Additional Sessions Judge, Bhagalpur.

However, considering detention of the petitioner; let the trial be expedited and concluded within nine months after taking the same on the priority basis.

(Jitendra Mohan Sharma, J)

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