

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32468 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -SAKARPUR District- DARBHANGA

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Kishore Choudhary @ Kishore Kumar Chaudhary, son of Late Ganesh Choudhary, resident of Village-Lagma, P.S.- Sakatpur, District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-09-2016 Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Sakatpur P.S. case No.01 of 2016 instituted for the offence under Sections 302 and 120B/34 of the Indian Penal Code, pending in the court of the Additional Chief Judicial Magistrate-III, Darbhanga.

The prosecution case, in brief, is that on 1.1.2016 at 8 P.M., there was exchange of hot words between the F.I.R. named accused persons including the petitioner with Madan Mohan Chaudhary, brother-in-law of the informant in regard to previous dispute. Next day at 6 A.M. a dead body was lying near the shop of petitioner Kishore Chaudhary and deceased's head was brutally damaged. Then the informant along with other villagers went there and the informant identified the dead body as his brother-in-law. The informant suspected that the F.I.R. named accused

persons including the petitioner have murdered his brother-in-law.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 8.2.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. As per the F.I.R., it is a case of last seen. There is no eye witness to the alleged occurrence. A night prior to the recovery of the dead body of the deceased, the petitioner and other co-accused were seen with the deceased.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The deceased was seen at the shop of the petitioner. Next morning the dead body of the deceased was found at the back of the shop of the petitioner. The blood marks are also said to have been found in the shop of the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

Narendra/-

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