

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33000 of 2017

Arising Out of PS.Case No. -59 Year- 1998 Thana -SAHKUND District- BHAGALPUR

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Anjani Kumar Choudhary S/o late Batali Choudhary resident of Village -
Itahari, P.S. - Naya Ramnagar, District - Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
23.03.2017 in connection with Shahkund P.S. Case No.59 of 1998
for offences punishable under Sections 365/386 of the Indian
Penal Code.

A Complaint Case No. 387 of 1998 was filed by the
complainant stating therein that his son Md. Nisar had gone with
the petitioner on 16.01.1998 to Munger court and thereafter he did
not return. On query on 18.04.1998 the petitioner demanded Rs.
50,000/- ransom for returning his son which he was unable to give.
The complaint case was thereafter referred to the police under
Section 156 (3) of the Cr.P.C. and the present case has been



registered.

It has been submitted by the learned counsel for the petitioner he is innocent and has been falsely implicated in the aforesaid case on the basis of suspicion. He submits that charge-sheet has already been submitted and the matter is pending and there is no allegation of tampering of the prosecution witnesses. It has been submitted by the learned counsel for the petitioner that although the body was identified by the informant but in his complaint he has nowhere stated about the said fact and that the complaint case has been filed after inordinate delay of occurrence on 17.04.1998.

However, learned APP for the State vehemently opposes the prayer for bail stating therein that the body of the deceased son of the informant was recovered by the Chowkidar and Naya Ram Nagar P.S. No. 13 of 1998 was lodged on 17.01.1998 against unknown. Thereafter, from the photograph, the deceased son of the informant was recognized and the learned Magistrate had taken cognizance under Section 302 and allied sections of the Indian Penal Code and Section 27 of the Arms Act on 12.02.1999 declaring the petitioner as absconder. The Chief Judicial Magistrate by order dated 29.09.2016 had issued warrant against the petitioner thereafter the petitioner has been arrested. He



submits that the petitioner has been evading arrest since long years unnecessarily delaying the trial.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Shahkund P.S. Case No. 59 of 1998 (G.R. No. 1118 of 1998) pending in the court of learned Chief Judicial Magistrate, Bhagalpur.

The application is, accordingly, rejected. However, the learned court below is directed to conclude the trial within one year on day to day basis considering the fact that it is very old matter.

(Nilu Agrawal, J)

Devendra/-

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