

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47550 of 2017

Arising Out of PS.Case No. -230 Year- 2017 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Kanhaiya Chaudhary Son of Ramsanehi Chaudhary Resident of village-
Jaralpur, P.S.- Jogapatti, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 30-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Yogapatti P.S.
Case No. 230 of 2017 for offences punishable under Sections 302,
201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his sister was married to one Awadhesh Chaudhary but she
was killed by her in-laws and, thereafter, his niece Rupa Kumari
was given fixed deposit of Rs. three lac and ten katha of land in
the Panchayati held. On the alleged date of occurrence, the
petitioner along with six others killed his niece by means of knife
and disposed of her dead body.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and just because, he is brother of Awadhesh Chaudhary, he has been made accused on suspicion and all the family members have also been implicated in this case. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He submits that confessional statement of the accused Awadhesh Chauudhary, before the police, has no evidentiary value in the eye of law and there is no eye witness to the alleged occurrence. The petitioner is languishing in judicial custody since 08.07.2017.

However, learned APP for the State opposes the prayer for bail.

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 and accordingly, prayer for bail of the petitioner stands rejected in connection with Yogapatti P.S. Case No. 230 of 2017 pending before learned Chief Judicial Magistrate, Bettiah, West Champaran.

However, learned court below is directed to conclude



the trial within one year and if the trial is not concluded by that time, the petitioner is at liberty to renew his prayer for bail.

(Nilu Agrawal, J)

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