

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 52119 of 2016

Arising out of P.S. Case No. - 18 Year - 2016 Thana - FESHAR District - AURANGABAD

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Sumant Kumar Chaudhary, S/o Sita Suman Chaudhary, R/o Mohalla -
Baratpur Chaudhary Nagar, Aurangabad, P.S. + Distt. - Aurangabad
.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjit Kumar, Advocate

For the Opposite Party : Mr. Anil Kumar Singh 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 16-01-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 392 and 411/34 of the Indian
Penal Code.

According to the First Information Report, two
persons were going on the auto rickshaw which was being driven by
deceased Dharamjeet Kumar @ Ashok, the full-brother of the
informant. Soon thereafter the informant got news that his brother
Dharamjeet Kumar has been murdered. The villagers apprehended two
persons including the petitioner and the petitioner and another co-
accused disclosed that they wanted to loot away the said auto rickshaw
and for that purpose they have committed murder of the driver. The
witnesses, before whom the petitioner and another co-accused made
extra judicial confession, have stated before the police that when the



informant reached he identified the petitioner and the co-accused Vishun Gupta who were on the back seat of the said auto rickshaw earlier.

Submission of the petitioner is that there is no eye-witness of the occurrence. The petitioner has got no criminal antecedent and he is in custody since 21.05.2016.

Learned counsel for the State submits that the post-mortem report would reveal that the cause of death has been opined as throttling and several nail mark were found blackish near the neck besides swelling etc. and there is no material to substantiate the submission regarding false implication of the petitioner.

Considering the entire facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail for the present in connection with Feshar Police Station Case No. 18 of 2016 pending in the court of learned Chief Judicial Magistrate, Aurangabad. However, the petitioner may renew his prayer for bail after nine months from the date of receipt of a copy of this order by the learned trial court and the learned trial court is expected to conclude the trial within the aforesaid period.

(Birendra Kumar, J)

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