

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63273 of 2018

Arising Out of PS. Case No.-151 Year-2018 Thana- UCHKAGAON District- Gopalganj

Suresh Chaudhary Son of Basdeo Chaudhary, Resident of Village- Bhagwan Tola, P.S.- Uchakagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar, Adv
For the Informant : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 22-11-2018 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Informant.

The Petitioner seeks bail in **Uchakagaon P.S. Case No. 151 of 2018** registered for the offence punishable under Sections 307, 452, 326, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

Informant in his fardbeyan has stated that on 30.05.2018 at about 03:30 am when he was sitting with his son Satendra Chaudhary at his door and was talking with the Mukhiya, then petitioner along with Babloo Dubey came and fired from his Pistol which hit his son and when he went to save him Babloo Dubey fired two gunshots upon him which caused injury to him. Thereafter when his wife and his another son Nagendra Chaudhary came to save him then petitioner along with Babloo Dubey fired which caused injury to them also. During the course of treatment



his son Satendra Chaudhary died and subsequently Informant also died. Wife and younger son of deceased Informant also suffered serious injuries. Prayer for bail of co-accused Bablu Yadav has been rejected by a co-ordinate bench by order dated 03.10.2018 passed in Criminal Miscellaneous No. 53236 of 2018.

Case diary was called for and from perusal of which it transpires that during investigation it has come that FIR named accused are not the actual assailants but criminals were hired by petitioner to kill Informant Mahatma Choudhary (deceased) due to political rivalry. On the basis of statement of eye witnesses and statement of family members of deceased hired criminals were identified as Suraj Kumar Singh, Suraj Kumar Tiwary and Rakesh Kumar Prajapati and they confessed their crime and arms used in killing was also recovered on their confession. They have confessed that petitioner Suraj Choudhary had hired them on payment to kill Mahatma Choudhary (deceased). After conclusion of investigation police has submitted chargesheet against FIR named accused Suresh Choudhary and Bablu Dubey and non-FIR accused Suraj Singh, Suraj Kumar Tiwary and Rakesh Kumar Prajapati.

Learned counsel for the Informant vehemently opposes the prayer for bail.

Informant (deceased) has been killed in a most



gruesome manner due to political rivalry, as such I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, the trial court is directed to expedite the trial of the petitioner and conclude the same within a period of one year from the date of receipt/production of a copy of this order. As petitioner has no criminal antecedent, he may renew his prayer for bail if trial is not concluded within one year.

(S. Kumar, J)

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