

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14422 of 2018

Arising Out of PS.Case No. -260 Year- 2015 Thana -RAMKRISHNANAGAR District- PATNA

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Baudha @ Sanjay Chaudhary @ Sanjay Kumar @ Baudha Choudhary, S/o
Late Lakhan Chaudhary, R/o Saketpuri , Road No. (02) Hanuman Nagar,
P.S.- Patrakar Nagar, Distt.- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nityanand Kumar, Advocate.

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
02.12.2016 in a case registered for the offence under Sections 302
and 201/34 of the IPC.

The prosecution case, in brief, is that this petitioner
alongwith co-accused Kunal @ Kunal Kumar was taking work
from Pappu Kumar Singh as *Khalasi*. Wages of Pappu Kumar
Singh was not paid. For the said reason, he left the work of
accused persons. Upon which, on 01.11.2015 at 8.00 A.M., this
petitioner caught hold Pappu Kumar Singh (deceased) and co-
accused Kunal @ Kunal Kumar gave *Chhura* blow on the chest of



deceased Pappu Kumar Singh as a result of which, he succumbed to injury.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is alleged to have caught hold of the deceased while he was being assaulted by co-accused Kunal @ Kunal Kumar. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

The petitioner absconded for more than a year. There is no specific allegation against the petitioner of catching hold of the deceased while he was being assaulted by co-accused Kunal @ Kunal Kumar. The co-accused Kunal @ Kunal Kumar was granted bail by this Court vide Cr. Misc. No. 53220 of 2017 dated 07.03.2018 taking into account that during the trial, all the prosecution witnesses including the informant had been declared hostile by the court below so it is not the case of the petitioner. Since the petitioner was absconding for more than a year, his case



could not be committed to the Court of Sessions nor the charge could be framed. The facts of this case is different than the case of the co-accused Kunal @ Kunal Kumar.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Ram Krishna Nagar P.S. Case No. 260 of 2015, pending in the court of learned Sub-Judge-XIII-cum-A.C.J.M., Patna.

However, the learned court below is directed to take all necessary steps to conclude the trial at the earliest.

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(Sudhir Singh, J)

