

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11227 of 2018

Arising Out of PS. Case No.-41 Year-2016 Thana- PAWNA District- Bhojpur

Bimlesh Choudhary, Son of Late Gorakhnath Choudhary @ Gorakh Choudhary, Resident of Village- Maniyach, P.S.- Pawana, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

3 10-04-2018 Heard learned counsel for the petitioner, the learned APP for the State as well as learned counsel appearing on behalf of the informant.

Petitioner, already in custody, seeks bail in connection with Pawana P.S. Case No.41 of 2016, registered under Sections 147, 148, 149, 342 and 302 of the Indian Penal Code as well as under Section 27 of the Arms Act.

Allegation in brief is that while the son of the informant was returning back to his village home from his motorcycle then on the way this petitioner stopped him, dragged him inside his house and all accused persons badly assaulted him as a result he died.

Learned counsel for the petitioner submits that there is no specific allegation against the petitioner, he is said to be armed with rifle but no such firearm injury is found on the body of the deceased and one co-accused Shriram Choudhary @ Budha @ Sri Ram Choudhary has been admitted to bail by a coordinate Bench of this



Court vide Cr. Misc. No.60247 of 2017 on 13.12.2017; whereas the learned counsel appearing on behalf of the informant submits that there is specific allegation against the petitioner of dragging the deceased and taking inside the house and there he was assaulted and killed, moreover the trial is at the fag end as only two prosecution witnesses remain to be examined and the prayer of bail of similarly situated another co-accused Vikash Choudhary was rejected by a coordinate Bench of this Court vide Cr. Misc. No.2438 of 2018 on 21.02.2018 and the Court has directed to conclude the trial within four months.

Having considered the aforesaid facts and circumstances, prayer of bail of the petitioner is presently rejected in connection with Pawana P.S. Case No.41 of 2016 pending in the court of learned CJM, Ara with a direction to the trial court to expedite the trial in view of the observation earlier made by this Court.

If the trial does not conclude within the stipulated period, the petitioner may renew his prayer of bail.

(Arun Kumar, J)

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