

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21254 of 2020**

Arising Out of PS. Case No.-366 Year-2015 Thana- BIHTA District- Patna

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AMIR CHANDRA CHOUDHARY S/o Late Ramrup Chodhary Resident of  
Village- Janpara, P.O.- Barah, P.S.- Bikram, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Awadhesh Kumar Pandey

For the Opposite Party/s : Mr.Nityanand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

4      17-09-2020                      Heard learned counsel for the parties.

This application for regular bail arises out of Bihta P.S. Case No. 366 of 2015, disclosing the offence punishable under Sections 302/201/34 of the Indian Penal Code.

The FIR was registered on 18.05.2015 in which the petitioner was named with specific allegation of his involvement in commission of the offence. Allegedly, the deceased and his cousin Pradeep Kumar had gone to sleep over a raised platform of a temple in the night. In the morning, the dead body of the deceased was found hanging from branch of a tree. It is alleged by the brother of the deceased that his cousin Pradeep Kumar told him that in the previous night the petitioner and two other persons had come and forcibly taken the deceased away. He also



disclosed that the miscreants had tightly covered the face of the deceased with a long cloth (*gamchha*).

Learned counsel for the petitioner has submitted that co-accused Subhash Choudhary has been granted bail by this Court by an order dated 25.09.2018, passed in Cr. Misc. No. 43741 of 2018. He has further submitted that the case of the prosecution is based on suspicion only.

As has been noted above, the FIR was registered in 2015. The petitioner was knowing his implication in the case and, as a matter of fact, he had applied for anticipatory bail, which is evident from paragraph-2 of this application. The petitioner could be apprehended in 2020. Apparently, he managed to remain away from the clutches of the prosecution during all these years. His case, therefore, cannot be treated to be on equal footing with Subhash Choudhary for the purpose of grant of regular bail for the reason that Subhash Choudhary was found to be in custody since 20.05.2015 and his application for regular bail was rejected repeatedly. While rejecting the bail application by an order dated 19.04.2017, passed in Cr. Misc. No. 14893 of 2017, the Court made an observation that the trial should be concluded within six months. As the trial could not be concluded within six months, this Court after taking all facts



and circumstances into account and the period of his custody allowed Subhash Choudhary the privilege of regular bail. The alleged participation in commission of the offence against the petitioner and Subhash Choudhary is identical. Since the petitioner managed to remain away from the process of investigation all these years, securing his attendance in the criminal case of such grievous nature may be difficult. I am therefore, not inclined to grant him privilege of regular bail in view of the gravity of the offence and his conduct as noted above, for the present.

This application is accordingly dismissed.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by



this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

**(Chakradhari Sharan Singh, J)**

Rajesh/-

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