

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64568 of 2019

Arising Out of PS. Case No.-285 Year-2016 Thana- UDWANTNAGAR District- Bhojpur

RANJEET CHOUDHARY S/o Late Ramadhar Choudhary Resident of
Belaur, P.S.- Udwant Nagar, District- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
For the Informant	:	Mr. Vikram Deo Singh, Advocate
For the State	:	Mr. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-03-2020 Heard Mr. Sanjeev Ranjan for the petitioner,

Mr. Vikram Deo Singh for the informant and Mr. Aslam

Ansari for the State.

The petitioner seeks bail in connection with

Udwant Nagar P.S. Case No. 285 of 2016 instituted for

the offences under Sections 302/34 of the Indian Penal

Code and Section 27 of the Arms Act.

The father and brother of the informant are

alleged to have been murdered by the petitioner and

seven others.

The learned counsel for the petitioner has



drawn the attention of this Court to the fact that the occurrence is said to have taken place at 7:00 P.M on 19.07.2016 but the report regarding the same was lodged at 7:55 A.M. on 20.07.2016.

Apart from this, it has been urged before this Court that when the police went on unverified information to the place of occurrence, there was no person available near the dead body and even in the *Badhar* where the occurrence is said to have taken place, nobody was found. Even during the inquest, none of the family members of the deceased persons made themselves available.

The learned counsel for the petitioner is driving home the point that the F.I.R is ante-dated, brought into existence with oblique purposes and the names of the accused persons including the petitioner have been added to feed fat the old grudge.

Simultaneously, it has been urged that the father and brother of the petitioner also have been



murdered. The father of the petitioner was murdered in the jail break incident at Gaya whereas the brother of the petitioner is stated to have been killed by accused persons, one of whom was a relative of the informant of this case.

Further argument of the petitioner is that with the death of his father and brother, there is nobody to look after the affairs of the family or to pursue his case and he is in custody since 20.11.2017.

Even though the case is stated to have been committed to the Court of Sessions for trial, not a single witness has been examined till date.

On these grounds, the petitioner has prayed for bail.

Mr. Vikram Deo Singh, learned advocate for the informant has however submitted that there is specific accusation of taking away of the deceased persons to a desolate place and killing them by resorting to firing.

It has further been submitted that there could



be some delay in lodging of the F.I.R but that does not take away the genuineness of the report which was lodged first in point of time.

Apart from this, it has been pointed out that the petitioner is accused in nine other cases of serious nature.

Similar arguments have been advanced by the learned counsel for the State.

Considering the entire set of facts, this Court is not inclined to grant bail to the petitioner for the present.

However, taking into account the fact that the petitioner is in custody since 20.11.2017 and the trial has not yet proceeded, this Court directs the Trial Court to commence with the process of trial at a faster pace, ensuring the attendance of all the witnesses and conclude the same preferably within a period of nine months from the date of receipt/production of a copy of this order.



With the aforesaid observation, the petition
stands disposed off.

(Ashutosh Kumar, J)

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