

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75086 of 2019

Arising Out of PS. Case No.-138 Year-2019 Thana- PAKARIBARAW District- Nawada

RAM KISHUN CHAUHAN, aged about 26 years (Male), Son of Late Naresh Chauhan @ Ram Naresh Chauhan, Resident of Village-Amarpur Beldari, P.S.-Pakaribarwan, District-Nawada.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Y.C. Verma, Sr. Advocate and Mr.Sudhir Kumar Sinha, Advocate.

For the Opposite Party : Mr.Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 13-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 341, 323, 324, 325 and 307/34 of the I.P.C. Subsequently, Sections 302 of the IPC and 27 of the Arms Act were also added.

The prosecution story, in brief, is that on 03.05.2019 at about 6.00 P.M., a party of ‘*Grih Pravesh*’ was going on in the house of Ramawatar Chauhan. In the meantime, Kundan and



Pawan joked with Ajay Chauhan then Ajay Chauhan, Pradeep Chauhan, Anandi Chauhan, Rajkumar, Umesh Chauhan, Avadesh Kumar and Rajkumar assaulted Pawan, Kundan and the informant with stick and rod. The informant fell down. Ram Kishun (petitioner) started firing and all the accused persons entered into the house and started breaking the things. They also assaulted Sitwiya Devi with Lathi-Paina, as a result of which, she sustained injury at her head and became unconscious. Ram Kishun fired upon Shobha Kumari, as a result of which, she died as she sustained injury at her head.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 48476 of 2019 under order dated 08.08.2019, annexed as Annexure-1 to the present application taking into account that the informant is an eye witnesses to the alleged occurrence and the petitioner is a main assailant of the deceased.

A report was called for from the learned court below regarding the present stage of the case. It has been reported that the charge has been framed in this case on 29.01.2020 and the case is running at the stage of the evidence and the summons have been issued to the prosecution witnesses.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 05.05.2019.



Charge has been framed in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 310 of 2019, arising out of Pakaribarwan P.S. Case No. 138 of 2019, pending in the court of learned Additional Sessions Judge-X, Nawada.

Learned Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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