

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20948 of 2021

Arising Out of PS. Case No.-164 Year-2020 Thana- BHAWANIPUR District- Purnia

Gulshan Choudhary, S/O Brahamdeo Choudhary, R/O Village-Sripur
(TIRASI Tola), P.S.-BHAWANIPUR, District-Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Vikram Deo Singh, Advocate
	Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr.Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Dr. Kumar Uday Pratap, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bhawanipur P.S. Case No. 164 of 2020 registered for the offence punishable under Section 302 of the Indian Penal Code. He is in custody since 19.08.2020. Petitioner has no criminal antecedent.

As per the prosecution story, the petitioner who is the Devar of the informant has given knife blow on the neck of the informant's husband during scuffle as a result whereof he died on the spot.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the alleged occurrence took place in the spur of moment and there was no intention on the part of the petitioner to put ultimate harm to the informant's husband.

Mr. Dr. Kumar Uday Pratap, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner has been given knife blow on the vital part of the body of the informant's husband as a result whereof he died on the spot.

Having regard to the facts and circumstances of the case wherein there is specific allegation that this petitioner had assaulted his brother by a knife on his neck as a result whereof his brother fell down and ultimately died, the seriousness of the allegation and the specific material against this petitioner including the kind of weapon used by him on the vital part of the body, this Court is not inclined to release the petitioner on regular bail. The prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

