

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44100 of 2021

Arising Out of PS. Case No.-88 Year-2019 Thana- MIRGANJ District- Gopalganj

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Bajarangi Chaudhary @ Bajarangi Yadav @ Hari Mohan Chaudhary @ Hari Mohan, (aged about 31 years, Male), Son of - Dinanath Chaudhary, Resident of Village- Rani Sarisawa, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Mishra, Advocate

For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 08-12-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 23.07.2019 in connection with Sessions Trial Case No. 486/2019, arising out of Mirganj P.S. Case No. 88/2019 registered for the offence under Sections 147, 148, 149, 307, 324, 302, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that on 15.04.2019 at about 9.00 A.M., all the seven F.I.R. named accused persons, including the petitioner, kept some articles on the land of the informant and when the informant and his elder brothers, namely, Kedar Chaudhary and Dudhnath Chaudhary made



protest, then all the accused persons started abusing and assaulting them. It is specifically alleged that co-accused Rakesh Choudhary and Bajrangi Choudhary @ Hari Mohan Choudhary (petitioner) assaulted on the head of Kedar Chaudhary with an *Iron rod* and *Farsa* respectively, as a result of which, he died on spot whereas co-accused, Swaminath Chaudhary assaulted on the head of the informant with a *Lathi* and co-accused Abhay Yadav and Ashok Chaudhary assaulted on the head of Dudhnath Chaudhary with *Lathi* and *bricks*.

Earlier the bail application of the petitioner was rejected vide Cr. Misc. No. 7292 of 2020 under order dated 29.09.2020, annexed as Annexure-1 to the present application, taking into account that the petitioner is one of the assailants.

This is second attempt on behalf of the petitioner for grant of bail.

A report was called for from the learned court below regarding the present stage of the case. Vide Letter No. 376 dated 26.08.2021, it has been reported that the charges were framed on 07.12.2020 and subsequently summons were issued on 08.12.2020. Warrants were issued on 03.02.2021. The aforesaid case was going on for evidence and eleven witnesses are to be examined but none witnesses were produced by the



prosecution till date.

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 Case No. 486/2019, arising out of Mirganj P.S. Case No. 88/2019, pending in the court of learned Additional Sessions Judge-Ist, Gopalganj.

The court below 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 copy of this order.

The District Magistrate, Gopalganj and the Superintendent of Police, Gopalganj, are also directed to ensure that the prosecution witnesses are produced on the date fixed in the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Gopalganj and the Superintendent of Police, Gopalganj.

(Sudhir Singh, J)

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