

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.1265 of 2021**

Arising Out of PS. Case No.-230 Year-2020 Thana- WAJIRGANJ District- Gaya

MAHADEO CHOUDHARY @ MAHADEV CHOUDHARY Son of Lakhan
Choudhary Resident of Village- Mahadev, P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr.Madan Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 08-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Wazirganj P.S. Case No. 230 of 2020
registered for the offence under Section 302/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
First Information Report has been lodged by the brother-in-law
of the deceased saying that the dead body of his brother-in-law
was found in the field of one Kalash Yadav. He alleged that his
brother-in-law was murdered by a Hasuli by some unknown
miscreants. In the F.I.R., he raised suspicion against the family
of the brother of his father-in-law with whom some quarrels



seems to have taken place.

Learned counsel submits that this petitioner is not named in the F.I.R. He happens to be the full brother of the deceased. His name has been brought in this case in course of investigation on the basis of some statements made by the witnesses under Section 161 Cr.P.C. It is his further submission that the statement of some of the witnesses materially differ when they made their statement under Section 164 Cr.P.C.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that in the case diary the statement of the wife of the petitioner and further co-villagers are suggesting that there was a quarrel between the two brothers and in the said quarrel this petitioner attacked the deceased by a Hasuli causing injury on his neck as a result whereof he died.

It is further submitted that in course of their statement under Section 164 Cr.P.C. also the witnesses have stated that at least to this extent that they had seen both the brothers quarreling with each other and later on they heard that the younger brother was killed.

Considering the facts and circumstances of the case, the seriousness of the offence alleged and the materials placed



before this Court in form of the statement of the witnesses which is getting support from the post mortem report showing cause of death by sharp edged weapon, this Court is not inclined to grant bail to the petitioner.

Prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

The trial court shall proceed with the trial as expeditiously as possible. The prosecution shall cooperate in producing the witnesses on the date fixed in the matter.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

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'.

