

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7115 of 2021**

Arising Out of PS. Case No.-66 Year-2020 Thana- IMADPUR District- Bhojpur

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GUDDU CHOUDHARY @ GUDU CHOUDHARY @ GUDDOO
CHOUDHARY son of Gupteshwar Choudhary Resident of Village- Rajpur
Choudhary Tola, P.S.- Imadpur, District- Bhojpur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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with

CRIMINAL MISCELLANEOUS No. 19966 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- IMADPUR District- Bhojpur

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GUPTESHWAR CHAUDHARY SON OF LATE SOHAN CHADHARY R/O
VILLAGE- RAJPUR, CHAUDHARY TOLA, P.S.- IMADPUR, DISTRICT-
BHOJPUR.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 7115 of 2021)

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
	:	Mr. Awadhesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP
For the Informant	:	Mr. Chandan Kumar Verma, Advocate

(In CRIMINAL MISCELLANEOUS No. 19966 of 2021)

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 26-08-2021 Heard learned counsel for the petitioners, learned

counsel for the informant and learned A.P.P. for the State. The

S.H.O., Imadpur, Mr. Subodh Kumar is also present online.

Petitioners in both the applications are seeking regular

bail in connection with Imadpur P.S. Case No. 66 of 2020

registered for the offences under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that from the First Information Report itself it would appear that the alleged occurrence took place on 25.08.2020 at 6.30 pm whereas the F.I.R. has been lodged in this case on 26.08.2020. The allegation against the petitioners is that they had fired from a country-made pistol on the wife of the informant and the shot fired by Guddu Choudhary (petitioner in Cr. Misc. No. 7115 of 2021) hit on her right palm. Gupteshwar Chowdhary (petitioner in Cr. Misc. No. 19966 of 2021) fired from his pistol which hit the leg of the wife of the informant. The informant alleges that his wife was taken to primary health center whereafter she was referred to Sadar Hospital for better treatment and that is the cause of delay in filing of the F.I.R.

Learned counsel submits that the firing is on the non-vital part of the body, though the injury has been reported to be grievous in nature and the wife of the informant later on died after her operation in P.M.C.H. She died on 08.01.2021 on account of septicemia.

Learned counsel further submits that the petitioner in

Cr. Misc. No. 7115 of 2021 is in custody in connection with this case since 27.08.2020 and petitioner in Cr. Misc. No. 19966 of 2021 is in custody since 18.09.2020 and they have otherwise no criminal antecedent. Considering that the firing was not made on vital part of the body, this Court may appreciate that there was no intention of the petitioners to kill the wife of the informant.

On the other hand, learned counsel for the informant as well as Mr. Harendra Prasad, learned A.P.P. in Cri. Misc. No. 7115 of 2021 and Mr. Kumar Ranjit Ranjan, learned A.P.P. for the State in Cri. Misc. No. 19966 of 2021 have opposed the prayer for bail of the petitioners.

Learned counsel submits that both the petitioners reached at the door of the informant and with a pre-mediation of mind they came there to create a kind of terror by firing upon the wife of the informant and though the injury has been caused on hand and leg but those were grievous injuries and could not be cured with the treatment, later on the wife of the informant developed septicemia and died.

Considering the facts and circumstances of the case, on noticing that both the petitioners in these two cases went to the house of the informant and fired twice on the wife of the informant which caused grievous injuries to her and those injuries ultimately proved fatal leading to septicemia in course of

treatment and the cause of death is directly related to the grievous injuries inflicted upon the wife of the informant by these two petitioners, this Court is not inclined to release the petitioners on bail at this stage. The prayer for bail of both the petitioners is, thus, refused.

Let the trial be expedited. The trial court shall proceed to take further steps towards framing of charge and initiation of trial and all endeavours be made to conclude the trial within a period of one year from the date of communication of this order. The prosecution shall cooperate.

Despite all these, if the trial is not concluded within a period of one year for no reason attributable to the petitioners, they may renew their prayer for bail.

(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'.