

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5207 of 2021

Arising Out of PS. Case No.-169 Year-2006 Thana- GOPALPUR District- Bhagalpur

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PRAKASH CHOUDHARY ALIAS PRAKASH MANDAL Son of Ganesh Choudhary Resident of Village-Gyanidas Tola, P.S.-Gopalpur (Rangra), District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 19-07-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Sessions Trial no.1014A of 2019 (arising out of Gopalpur (Rangra) P.S. Case no. 169 of 2006) registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegations in the FIR, the petitioner and one another are stated to have fired on the son of the informant leading to his death.

It is submitted by learned counsel for the petitioner that from the FIR itself a pistol shot was fired by co-accused and not the petitioner herein. The allegations are not supported by the



postmortem report. The informant is not an eye witness to the occurrence. The petitioner is in custody since 19.12.2018.

The prayer for bail is opposed by learned Additional Public Prosecutor for the State who submits that the petitioner is one of the named assailants and the cause of death is injury caused by the fire arms.

From perusal of the report received from the learned Court below as contained in letter dated 15.4.2021 witnesses on behalf of the prosecution including the informant Shaligram Prasad Singh, Vinod Mandal, Kashulya Devi, Sudhanshu Kumar Pal and Bipin Kumar Pathak have been examined. In a case registered in the year 2006, the petitioner was taken into custody after 12 years only in December 2018.

Taking into consideration the allegations leveled in the FIR, the contents of the postmortem report, trial in the case having proceeded and the fact that the petitioner absconded for a period of more than 12 years, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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