

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39888 of 2022

Arising Out of PS. Case No.-77 Year-2021 Thana- RAJPUR District- Rohtas

DEEPAK CHAUDHARY SON OF UMESH CHAUDHARY @ LALIT
CHAUDHARY @ LALIT KUMAR R/O VILLAGE- BALIGAON, P.S.-
RAJPUR, DISTRICT- ROHTAS (SASARAM)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Pd. Singh, Sr. Advocate
Mr. Saket Kumar Singh
For the Opposite Party/s : Mr.Lalan Kumar,APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-10-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within one
month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Rajpur P.S. Case no.
77/2021 corresponding to Sessions trial no. 209/2021 registered for
the offences punishable under section 302/34 of the Indian Penal
Code and section 27 of the Arms Act.

As per allegation, on the alleged date and time of the
occurrence, informant's co-villager namely, Ramdasrath Choudhary
came at the door of the house of the informant in drunken condition
and started arguing and thereafter co-accused Amit Choudhary also
joined and asked the informant's brother why was he argued his
father and thereafter informant's neighbour Manju Devi and her two



sons, namely, Deepak Choudhary who is here petitioner and Chotan Choudhary arrived there and threatened to kill brother of the informant and thereafter petitioner and co-accused persons equipped with firearms attacked on the informant's brother near a high school and the petitioner and co-accused Amit Choudhary fired indiscriminately at the informant's brother who sustained several injuries and died at the spot.

The main submissions advanced by Sri Krishna Pd. Singh, the learned senior counsel appearing for the petitioner are that admittedly, there was no good relation with the informant's family and petitioner's family owing to which petitioner has been falsely implicated in this case, as per FIR alleged occurrence took place at 7 p.m., after sunset, so, it is very difficult to identify the accused persons by the informant as he had hidden in a hut near the place of occurrence where alleged occurrence was committed by the accused persons but near the place of occurrence, Investigating officer did not find any hut as mentioned by the informant which also falsified the allegation made by the informant, Further submission is that two co-accused persons namely, Ramdarsh Choudhary @ Ram Darash Choudhary and Madhu Devi @ Manju Devi have been granted bail by a coordinate bench of this court vide orders passed in Cr. Misc. no. 69155/2021 and Cr. Misc. no. 69805/2021 and petitioner has been languishing in jail since 26.5.2021.

Sri Lalan Kumar, learned APP appearing for the State has



opposed the prayer for bail.

Heard both sides and perused the FIR. Petitioner is named in the FIR, admittedly, there was no good relation between petitioner and the deceased at the time of committing the alleged murder and there is specific allegation of firing against the petitioner and as per order of the learned court below six entry and exit wounds on the body of the deceased were found which is corroborative to the allegation appearing against the petitioner from FIR, petitioner appears to be one of the main assailants, in the opinion of this court, the petitioner does not deserve privilege of bail and accordingly, his prayer for bail stands rejected.

Trial court is directed to expedite the trial of the petitioner and take steps to conclude the same at the earliest. If the trial of the petitioner is not concluded in the next one year, he may renew his prayer for bail before the trial court.

(Shailendra Singh, J)

s.hassan/-

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