

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68811 of 2021**

Arising Out of PS. Case No.-301 Year-2021 Thana- MANJHI District- Saran

Madan Choudhary S/o Late Rajendra Choudhary R/o Village- Ghorhat
Majhwalia, P.S.- Manjhi, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

5 30-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Manjhi
P.S. Case No. 301 of 2021 registered for the offence under
Section 302, 34 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.09.2021.

The allegation against the petitioner is to commit the
murder of the husband of informant alongwith other co-accused
persons by making a blow of spade on the head of the deceased.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner was falsely implicated in this case



for the reason, as death of husband of informant caused due to accidental falling to ground, as he was in drunken condition. It is further submitted that even the postmortem report is not in corroboration with allegations, as alleged through F.I.R., as death was caused due to hard and blunt object, which is not appearing in corroboration with the nature of weapon used, as alleged through F.I.R. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that the specific allegations as regard to fatal blow is available against this petitioner, where informant is the eye witness of the occurrence, having no reason to disbelieve the said version.

Considering the facts and circumstances as mentioned above, as specific allegation of fatal assault is available against this petitioner, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer of bail of the petitioner is rejected herewith.



Learned Trial Court is directed to conclude the trial within 6 months from the date of receipt of the copy of this order by taking this matter on board on day to day basis, if required. Failing so, petitioner may renew the prayer of bail, if so advised.

SP Saran is directed to produce all the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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