

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12217 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- KARAHGAR District- Rohtas

Jyoti Prakash Kumar Son of Jawahir Choudhary @ Jwahar Choudhary R/v-
Rampur Naresh, P.S.- Kargahar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
12.03.2022 in connection with Sessions Trial No. 299 of 2022
arising out of Kargahar P.S. Case No. 76 of 2022, F.I.R. dated
05.03.2022 registered for the offences punishable under Section
302 of the Indian Penal Code and Sections 25(1-b) 1/26/27 of
the Arms Act.

The prosecution case, in brief, is that the informant
received information through mobile that his sister namely Soni
Devi shot to death by brother-in-law namely Jyoti Prakash
Kumar and when he came there he saw that his sister killed by
gunshot injury on head and his brother-in-law was lying
unconscious. It is further alleged that one country made pistol



and one live cartridge has been recovered from the possession of the accused petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

Learned APP for the State, on the other hand, on the basis of material available on record and case diary, has vehemently opposed the prayer for bail of the petitioner, and submits that there is direct and specific allegation against the petitioner.

Vide order dated 19.06.2023, a report was called for with regard to the stage of the trial. Report dated 24.06.2023 of the learned Trial court reveals that out of five chargesheeted witnesses, four witnesses have already been examined and only one witness i.e. Investigating Officer is yet to be examined in the present case.

In view of the report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Sessions Trial No. 299 of 2022 arising out of Kargahar P.S. Case No. 76 of 2022 pending in the Court of learned Additional



District & Sessions Judge 8th, Rohtas at Sasaram.

Prayer is refused.

However, the learned Trial court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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