

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55298 of 2023

Arising Out of PS. Case No.-196 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

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SUMAN KUMAR CHOUDHARY @ SUMAN KUMAR CHAUDHARY @
AMAN KUMAR @ CHHABAN CHOUDHARY @ CHHABBAN S/o-
LATE OM PRAKASH CHOUDHARY village- Sherpur Ps- Vidyapatinagar,
dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 03-11-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Vidyapatinagar Police Station Case No. 196 of 2020, registered
for the offences punishable under Sections 302, 120(B), 34 of
the Indian Penal Code and Section 27 of the Arms Act.

3. This is the second attempt on behalf of the
petitioner for grant of regular bail. Earlier, the prayer for regular
bail of the petitioner was rejected by this Court, vide order,
dated 16.05.2022, passed in Criminal Misc. No. 51935 of 2021,
giving liberty to the petitioner to renew his prayer for bail after
six months from the date of the order, if the trial is not



concluded within that period.

4. The allegation, as per the First Information Report, is that the petitioner is the main assailant, who fired upon the son of the informant, due to which he sustained fire arm injury in his abdomen and co-accused Golu Choudhary fired upon the informant's son, which hit him in his back and the informant's son succumbed to the fire arm injuries.

5. Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail after sixteen months instead of six months, as observed by this Court in the order dated 16.05.2022. He further submits that the petitioner is in custody since 19.01.2021.

6. This Court, vide order, dated 25.08.2023, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned Additional Sessions Judge, Samastipur and from perusal of the same, it would be evident that out of nine witnesses, five have been examined and four are yet to be examined. The learned Trial Court has given estimated time for completion of trial within a period of six months.

7. In view of the report of the learned Trial Court, I am not inclined to granted bail at this stage.



8. This application is, accordingly, dismissed at this stage.

9. However, the petitioner may renew his prayer for bail after six month from today, if the trial is not concluded by that period.

(Anil Kumar Sinha, J)

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