

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61842 of 2023

Arising Out of PS. Case No.-196 Year-2020 Thana- BARARI District- Katihar

SANDESH CHOUDHARY Son of Mohar Lal Choudhary R/o vill - Tali
Bhatta (Bhaththa), Barari, P.S. - Barari, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-10-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Sessions Trial No. 213 of 2021 arising out of Barari P.S. Case No. 196 of 2020 under Sections 302, 307/34 of the Indian Penal Code and 27 of the Arms Act.

3. As per the prosecution story, the informant alleged that on 4.8.2020 he along with his brother Raj Kumar Choudhary as also Saral Choudhary was returning home and as they reached near the house of Jawahar Choudhary, the petitioner and other eight accused persons surrounded them. Co-accused Ashok Choudhary opened fired at his brother killing him instantly. The petitioner herein also opened fire which hit his another brother causing head injury. Later, he was rushed to Referral Hospital, Barari for treatment.



4. Earlier the petitioner moved in Cr. Misc. 61842 of 2023. On 15.9.2023, a report was called for which has since been received from the Court of I/C Additional Sessions Judge-II, Katihar which read as follows:-

From,

Avinash Sharma,

I/C Additional Sessions Judge-II,

Katihar.

To,

The Assistant Registrar,

Hon'ble High Court of Judicature at Patna.

Patna.

Katihar, dated 20th day of September 2023.

Sub:-Submission of report of present stage of trial of S.T. 213/2021, arising out of Barari P.S. case 196/2020.

Ref: Hon'ble Court order dated 15.09.2023 in connection with Criminal Misc. No. 61842 of 2023.

Respected Sir,

Most Respectfully it is submitted as follows:

(i) that the order of the Hon'ble court

is received on 19.9.2023;

(ii) that accused namely Sandesh

Choudhary has been facing trial in

this case;

(iii) that charges for offence u/s

302/34, 307/34 of the Indian Penal



Code and 27 of the Arms Act framed against the accused on 14-09-2021;

(iv) out of Nine charge-sheeted witnesses namely (1) Binod Choudhary, (2) Rita Devi, (3) Lilawar Devi, (4) Panwati Devi, (5) Amit Kumar Choudhary, (6) Parikha Choudhary, (7) Sohan Choudhary, (8) (Doctor Awdhesh Kumar and (9) Sanjay Kumar (SHO) but only four witnesses namely (1) Lilawa Devi, (2) Parikha Choudhary, (3) Rita Devi and (4) Sohan Choudhary have been examined as of yet

(v) that the case is fixed for evidence;

(vi) that the court is vacant since 15.07.2023, it will take twelve months to conclude the trial after joining of new P.O.



Hence, it is requested that the above submissions may kindly be placed before the Hon'ble Court for kind consideration.

5. The petitioner is in custody since 12.4.2021 i.e. more than two and half years and in that background, it is essential that the learned Sessions Judge, Katihar take immediate steps so that the case is transferred to a Court where it is taken up and the trial is concluded within a period of four months from today.

6. For the present, the bail application stands rejected in view of the allegation that has come against the petitioner.

(Rajiv Roy, J)

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