

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62383 of 2023

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

ASHOK CHOUDHARY Son of Bittan Choudhary R/o Vill - Tali Bhatththa,
Barari, P.S. - Barari, Distt. - Katihar

... .. Petitioner/s

Versus

The State of 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 13-10-2023 Heard the parties.

The petitioner is in custody in connection with S.T. No. 39 of 2022 arising out of Barari P.S. Case No. 196 of 2020 for the offence under Sections 302, 307 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 05.08.2020 by the informant, Binod Chaudhary.

Direct allegation against the petitioner is that he opened fire upon Raj Kumar Chaudhary who died on the spot.

Earlier the case of the petitioner was heard and rejected on 25.04.2022 in Cr. Misc. No. 3776 of 2022.

Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide Letter no. 503 dated 20.09.2023 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. 39/2022, arising out of Barari P.S. Case 196/2020

Ref: Hon'ble Court order dated 15.09.2023 in connection with criminal Misc. No. 62383 of 2023.

Respected Sir,

Most respectfully it is submitted as follows:

1. That the order of the Hon'ble court is received on 19.09.2023.

2. That accused namely (1) Awadhesh Choudhary (2) Ashok Choudhary have been facing trial in this case.

3. 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 11.03.2022.

4. Out of Nine charge -sheeted witnesses namely (1) Binod Choudhary (2) Rita Devi (3) Lilawati Devi (4) Panwati Devi, (5) Amit Kumar Choudhary (6) Parikha Choudhary (7) Sohan Choudhary (8) Doctor Awdhesh Kumar (9) Sanjay Kumar (S.H.O.) but only four witnesses namely (1) Lilawati Devi (2) Parikha



Choudhary (3) Rita Devi (4) Doctor Awshesh Choudhary have been examined as of yet.

5. That the case is fixed for evidence.

6. That the court is vacant since 15.07.2023, it will take twelve month 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 the Hon'ble court kind consideration.

Yours Faithfully

(Avinash Sharma)

I/C Additional Sessions Judge II

Katihar

It is unfortunate that despite the fact that the petitioner is in custody since 08.09.2021. In the report, it has been incorporated that after joining of the new presiding officer, it will take another twelve months.

The District and Sessions Judge, Katihar should ensure that the case is transferred to the Regular Court so that the trial is expedited.

So far as the bail application is concerned, for the present, this Court is not inclined to extend him the privilege of bail considering the nature of allegation against him.

The bail application stands rejected.



The Trial Court is directed to expedite the trial and conclude the same within a period of nine months from today failing which it shall be submitting a report assigning reason for non conclusion.

(Rajiv Roy, J)

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