

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44649 of 2024

Arising Out of PS. Case No.-446 Year-2023 Thana- NAUTAN District- West Champaran

Jyoti Choudhary Son of Late Lakhraj Choudhary R/O Vill.- Khadda
Kunjalahi, P.S.- Nautan, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Opposite Party/s : Mr. Nirmal Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 29-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Nautan P.S. Case No. 446 of 2023 dated 15.10.2023 registered for the offence punishable u/ss 302, 120 B, 201 read with 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused person along with one unknown miscreant are alleged to have committed murder of the informant's son by drowning him in the Bhagar River. The informant's son was called and taken away from his house by them.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is also submitted that there is no eye-witness of the occurrence alleging to the fact that the petitioner participated in the occurrence to kill the deceased. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 30.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the mobile tower location of the petitioner was found near the place of occurrence and the petitioner's involvement was also found in the said occurrence. It is a case of last seen theory. As per the post mortem report the cause of death is due to haemorrhage and shock. The anticipatory bail of the petitioner has already been rejected by this Court vide order dated 22.04.2024 passed in Cr. Misc. No. 22162 of 2024.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Nautan P.S. Case No. 446 of 2023 pending in the court of learned Chief Judicial Magistrate, Bettiah, West Champaran.



7. The application stands rejected.

8. The learned trial court is further directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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