

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76498 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- NASRIGANJ District- Rohtas

Gandhi Chaudhary Son of Mahendra Chaudhary vill- Amiyawar, Ps-
Nasriganj, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the State : Mr. Pawan Kumar Chaurasia, APP
For the Informant : Mr. Y.C. Verma, Sr. Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 10-12-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned senior counsel for the informant.
Perused the case diary.

2. The petitioner seeks bail in connection with
Nasriganj P.S. Case No. 210 of 2024 instituted for the offence
under Sections 302, 120(B) & 34 of the Indian Penal Code and
Sections 25(1-B)a, 26, 35 & 27 of the Arms Act.

3. The prosecution case, as emanates from the FIR, is
that all the named accused persons, including the petitioner,
threatened the informant and his brother, namely, Atul Kumar
(deceased) of killing them. It is alleged that on the fateful day
i.e. on 29-06-2024, while the brother of the informant was
returning from the Gym, he was shot dead. The accusation



against the accused persons including the petitioner and 3-4 unknown miscreants is of committing murder of the Informant's brother.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22-07-2024. Petitioner bears twenty one criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is named in the FIR. It is next submitted that informant has not seen the alleged occurrence and only on mere suspicion, he along with other persons made accused in this case and there is no eye witness to the alleged occurrence. So far as allegation of threatening the deceased and informant is concerned, no case was lodged in this regard. There is general and omnibus allegation levelled against the petitioner. It is lastly submitted that police after investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that petitioner along with other co-accused had conspired together and caused the death of



the brother of the informant. *Vide* paragraph No. 169 of the case diary, petitioner has confessed his guilt in his confessional statement. From perusal of the entire case diary, it appears that petitioner is member of the unlawful assembly, who have formulated the plan prior to commission of murder of the deceased. Allegation levelled against the petitioner is serious in nature. From perusal of the FIR, it would reveal that wife of the petitioner threatened the informant that after election she will kill all the family members of the informant.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence and there being enough material available in the case diary against the petitioner as also keeping in view the twenty one criminal antecedents of the petitioner, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer is accordingly *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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