

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11000 of 2017

Arising Out of PS.Case No. -102 Year- 2016 Thana -NOKHA District- SASARAM (ROHTAS)

=====

1. Ajay Choudhary, S/o Late Satya Narayan Choudhary, R/o Village-
Hariharpur, P.S.- Nokha, District- Rohtas. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Syed Mohammad Shabbir Alam

For the Opposite Party/s : Mr. Sri Narsingh Tanti

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 07-04-2017 Heard both sides.

The petitioner seeks bail in Nokha P.S. case No. 102
of 2016 under Section 302, 201, 120B of the Indian Penal Code.

The informant alleged that petitioner informed him
that he and his family members killed his sister and her one and
half year son.

The learned counsel for the petitioner submits that
save and except confession of the petitioner there is absolutely no
material against the petitioner. The dead body of the wife of
petitioner was found far away from the house and in another
district. Dead body of her son was not recovered. The petitioner
made in exculpatory statement before the police and disclosed that
his wife was found in compromising position with her paramour
and there was some scuffle between the paramour of the wife of
the petitioner and the petitioner in which son and wife of the
petitioner got injuries and died.



It appears that informant alleged that petitioner and his family members used to torture the deceased due to partition of property. When the informant went to the place of occurrence the dead body of his sister and nephew were not found. During the course of investigation, the dead body of the wife of the petitioner was found far away from his house and in another district. Dead body of his son was not yet traced. The petitioner is said to have made his so-called exculpatory statement before the police that there was scuffle between him and the person, with whom his wife was in compromising position, and on account of assault of that person his son died. The wife of petitioner also got injuries in the aforesaid scuffle but surprisingly neither the petitioner nor that unknown person received any scratch on their bodies in the scuffle. It was the petitioner who is to disclose where are the dead bodies of his wife and son, who were killed in the house. Blood stained axe was also recovered from there and blood stain was found all around the room.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

