

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3826 of 2019

Arising Out of PS. Case No.-218 Year-2018 Thana- BARARI District- Katihar

BINNA CHOUDHARY @ RAJ KUMAR CHAUDHARY Late Jawahar
Choudhary Vill-Thuthi Balua Guru Mela, P.S-Barari, Distt.-Katihar.

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-03-2019

This application, for grant of anticipatory bail, arises out of Barari P.S. Case No. 218 of 2018, disclosing offences under Sections 302, 201, 120(B)/34 of the Indian Penal Code

Allegation is as per F.I.R. is that son of the informant had gone to attend the call of nature but he did not return and, thereafter, on the next day morning, his dead body was found near the Barandi River and informant apprehends the hands of petitioner and others in the murder of his son due to old enmity.

Submission of learned counsel for the petitioner is that the name of the petitioner transpired on the statement of one Pankaj Choudhary, whose statement has been recorded after one month of the occurrence, which clearly shows that the same is an afterthought and appears to be manufactured one only with a view to falsely implicate the petitioner in this case.



Learned counsel for the State opposed the prayer for bail and submitted that Pankaj Choudhary, who claims to be eye witness of the occurrence has named the petitioner as assailant and his statement under Section 164 Cr.P.C. has also been recorded.

Having heard both sides, considering the facts and circumstances of the case as well as the nature of allegation, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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