

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44731 of 2019

Arising Out of PS. Case No.-409 Year-2018 Thana- GRIYAK District- Nalanda

Tarkeshwar Choudhary Son of Srichand Choudhary Resident of Village -
Jalalpur, P.S.- Giriyak, Distt - Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 21-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 05.02.2019 has filed the instant application for grant of bail in connection with S.Tr. No. 294 of 2019 arising out of Giriyak P.S. Case No. 409 of 2018 (District Nalanda) registered for the offence punishable under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the allegation in the FIR, while the wife of the informant was sleeping with her 10 year old son and 16 year old daughter, at about 12.30 a.m in the night there was a sound of gun shot. It is stated that on coming out he saw his wife fallen down and crying. He saw five persons including the petitioner who was carrying a pistol, were there. On hulla being raised by



the informant, the accused persons ran away. It was stated that the son of the informant disclosed that he had seen the petitioner shooting his mother. It was further stated that on hulla being heard the co-villagers gathered there.

It is submitted by learned counsel for the petitioner that in course of investigation the statement of the independent witnesses were recorded wherein they have stated that the informant was not on good term with his wife for the reason that the informant was having an extra marital relationship. It was further submitted that there was no investigation on the point as to how the accused persons entered the house of the informant. Further none of the neighbours whose statements had been recorded had heard any sound of firing. It was finally submitted that the petitioner is in custody since 05.02.2019.

The application for bail was opposed by learned APP for the State submitting that the witnesses have categorically supported the case of the prosecution. The son of the informant categorically stated that he saw the petitioner shooting his mother in the head with a pistol. The allegation against the petitioner was also supported by the daughter of the informant. It was further submitted that even in the postmortem report of the deceased, the cause of death is said to be head injury caused



by firearm.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner of having shot the wife of the informant in the head which is supported by the injury found in the postmortem examination, the Court is not inclined to enlarge the petitioner on bail and as such the application for bail of the petitioner is rejected.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

