

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46255 of 2019

Arising Out of PS. Case No.-682 Year-2018 Thana- BANKA District- Banka

=====

Jata Shankar Choudhary @ Jatta Shankar Chou, Male, aged about 46 years,
Son of Rudeshwari Prasad Choudhary, Resident of village- Bhatkundi, P. S.-
Banka, District -Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Dharendra Kumar, Advocate
For the State : Mr. Md. Arif, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 11-12-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Banka PS Case No. 682 of
2018 dated 14.10.2018 instituted under Sections 302/34 of the
Indian Penal Code.

3. The allegation against the petitioner and four others is
of cutting the throat of the father and mother of the informant.

4. Learned counsel for the petitioner submitted that he is
innocent and has been falsely implicated. It was further submitted
that during trial, the informant himself stated that his mother had
not taken the name of any person. It was submitted that the
petitioner is in custody since 15.10.2018.



5. Learned APP, from the case diary, submitted that in the FIR, it has clearly been stated that the mother of the informant before death has named the petitioner also as one of the two persons, who had slit her throat and that of his father. It was submitted that the informant has been gained over and, thus, declared hostile, but even during investigation, many witnesses have stated with regard to involvement of the petitioner in the crime and he has also been seen and the other co-accused Bhawani Shankar Thakur has confessed in which he has stated that he along with petitioner had committed the crime and the postmortem report also corroborates the slitting of throat of both the deceased.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Vikash/Ranjit

AFR/NAFR	
U	
T	

