

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13180 of 2020

Arising Out of PS. Case No.-247 Year-2019 Thana- BANKA District- Banka

Kartik Choudhary S/o Late Uday Choudhary Resident of Village- Mirzapur
Changeri, P.S.- Barahat, Distt- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Adv.
For the State	:	Mr. Ram Priya Sharan Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 07-09-2020 Heard learned counsel for the petitioner as well as
learned P.P. Incharge Mr. Ram Priya Sharan Singh for the State
through video conferencing.

Petitioner is languishing in jail custody since
12.09.2019 in connection with Banka P.S. Case No. 247 of
2019 registered for the offence punishable under Section 302/34
of the Indian Penal Code.

Petitioner is named in the first information report
along with two others but according to prosecution case itself,
informant had not seen the actual killing of the deceased. In
course of investigation, brother and mother of the informant
were examined and they supported the claim of the informant.
The informant claimed that deceased was caught by the



petitioner and two others when deceased along with informant was going to his field and thereafter, informant fled away from there out of fear and petitioner and his companions committed the murder of the deceased by using sharp cutting weapon as well as hard blunt substance. Learned counsel appearing for the petitioner submits that claim of informant does not find support from the postmortem report as no sharp cut injury was found on the person of the deceased. He further submits that as a matter of fact, the deceased met an accident and, thereafter, informant implicated the petitioner and others on account of previous land dispute. He further submits that no doubt, petitioner was earlier made accused in two cases but the aforesaid cases were lodged ten to twelve years ago to the present occurrence and moreover, petitioner has already been granted privilege of bail in those cases.

On the other hand, learned P.P. Incharge opposed the prayer submitting that petitioner also participated in committing the murder of the deceased which is supported by the postmortem report of the deceased.

Considering the aforesaid facts and circumstances as well as submissions of the parties, particularly, keeping in mind that neither informant nor two other prosecution witnesses are



said to be eye witness of actual killing of the deceased and also taking note of this fact that investigation against the petitioner has already been completed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 247 of 2019.

(Hemant Kumar Srivastava, J)

shahzad/-

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

