

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61775 of 2019

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

BHAWANI SHANKAR THAKUR @ BHAWANI THAKUR Son of Photo
Thakur Resident of Village- Bhatkundi, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 08-07-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
15.10.2018, has preferred the present application for grant of
bail in a case registered for the offences punishable under
Sections 302/34 of the IPC.

The prosecution case, as per the fardbeyan of Vineet
Kumar @ Rohit Kumar Chaudhary, recorded by Mahboob
Alam, Inspector of Police-cum-S.H.O., Banka Police Station on
13.10.2018 at 8.30 P.M. is to the effect that the informant went
to Durga temple to worship, leaving his parents alone at home
and when the informant returned back at 8.45 P.M. and entered



into the house, he saw that his disabled father and mother were soaked in blood. The mother of the informant conveyed him that this petitioner and co-accused Jata Shankar Chaudhari have slit their neck. Thereafter, the informant tried to give water to his mother. In the meantime, the informant saw the petitioner fleeing away from his house and when he came outside the house, he saw that his co-villager Bhairo Shankar Thakur brought an auto rickshaw wherein his elder brother, the petitioner Bhawani Shankar Thakur and his brother-in-law, Braj Kumar Bharti, maternal uncle, Jata Shankar Chaudhary and Sunil Yadav boarded and escaped from the scene. The motive of the occurrence is alleged that the father of the informant sold a part of the land, which was being claimed by co-accused Jata Shankar Thakur, Bharo Shankar Thakur and the petitioner, Bhawani Shankar Thakur.

It is submitted by learned counsel for the petitioner that the informant did not see the petitioners slitting the neck of his parents. In the event of kind of injury, the parents of the informant received, it was not possible for them to state anything. From the FIR itself, it appears that the accusation has been levelled in the background of land dispute. Moreover, co-accused Sunil Yadav and Braj Kumar Bharti have been granted



bail by different Co-ordinate benches of this Court vide order dated 10.05.2019 and 29.07.2019, passed in Cr. Misc. No. 13516 and 16753 of 2019, respectively. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the nature of accusation, the heinous manner in which the parents of the informant have been killed by slitting their neck and the report of the learned A.D.J.-I, Banka dated 07.03.2020 to the effect that out of 12 chargesheeted witnesses, six witnesses have already been examined and the case is basically pending for recording of evidence of I.O. and the Doctor, above all the trial is likely to be concluded within a period of three months, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, in connection with Banka P.S. Case No. 682 of 2018 (S. T. No. 202 of 2019), pending in the Court of learned Additional Sessions Judge-IV, Banka is rejected.

However, let the S.P., Banka get the remaining prosecution witnesses produced as soon as the proceeding of



Court in physical mode is resumed, when it is expected from the learned trial court to conclude the trial within a period of three months of resumption of court proceeding in physical mode.

Let the order be transmitted to the S.P., Banka and learned Additional Sessions Judge-IV, Banka through e-mail.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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

