

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67566 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- MADHWAPUR District- Madhubani

Amit Kumar Choudhary Son of Late Madhu Kant Choudhary Resident of
Village Bihari tola- Inerbem P.S. Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-01-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and the State.

The petitioner seeks bail in **Madhwapur P.S. Case No. 34 of 2019 GR No. 377 of 2019**, registered for the offence punishable under Section 304 of the Indian Penal Code.

The gist of the prosecution case is that on 27.05.2019 at about 3.00 pm, her neighbour Amit Kumar Choudhary (petitioner) came in her house with bike and took her son Uday Kant Jha for the purpose of opening bank account in the name of his son. At about 8.00 pm, one ice-cream seller came in her house and stated that in Parsa Chouriya petitioner is beating her son. On such information, the informant along with villagers went there and saw that the body of her son lying there and petitioner was pulling him and when informant opposed the petitioner abused her and assaulted the petitioner. Thereafter, the



informant took her son to the hospital where he was declared dead by the doctor.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case. No such occurrence took place. In fact, when the petitioner along with son of informant was returning to home on motorcycle, informant's son (deceased) fell down from the bike as a result of which, he received injuries. No case under Section 304 is made out only section 304A of the Indian Penal Code is applicable which is bailable.

Counsel for the informant vehemently opposed the prayer for bail and submitted that this petitioner was seen by the informant as dragging the deceased and the postmortem also supports the prosecution case, as the injuries found on the person caused by hard and blunt substance and it appears that deceased was beaten to death.

Considering the facts aforesaid and nature of allegation and the fact that there is direct allegation against this petitioner and the injury report also corroborates with the prosecution case, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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