

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31364 of 2018**

Arising Out of PS.Case No. -20 Year- 2018 Thana -KASBA District- PURNIA

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Dinesh Chourasiya @ Dinesh Kr. Chourasiya S/o Sikandar Mandal, R/o  
Vill.- Bari Malia, P.S.- Gogri, Jamalpur, District- Khagaria.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Sri Brajendra Nath Pandey

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

3      10-07-2018                      Heard learned counsels for the petitioner, informant  
and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Kasba Police Station Case No. 20 of 2018 registered for the offences punishable under sections 364, 365/34 of the Indian Penal Code (later on sections 302, 201 and 120-B/34 of the Indian Penal Code was added).

The informant of this case is father of deceased. The son of informant was residing with his wife Suman Devi (co-accused) at villager-Kasba in the district of Purnea in connection with his business and the informant is residing at Khagaria district. It is alleged that the wife of deceased after making conspiracy with this petitioner committed murder of her



husband (deceased) and disposed of dead body with intension to save her skin from the said offence.

It is submitted that this petitioner is resident of Khagaria district which situates at a distance of 150 k.m. from the place of deceased. The petitioner has been arrested on the basis of confessional statement of co-accused-Suman Devi, who confessed her complicity and disclosed the name of this petitioner and except the disclosure of name, there is nothing against him. The petitioner is in custody since 09.02.2018 having clean antecedent.

Contra, the learned counsel for the informant and learned Additional Public Prosecutor for the State vehemently opposed the submission. It is submitted that there are strong circumstances against this petitioner showing his complicity in the above crime. The petitioner was apprehended and he confessed his guilt. The learned counsel also cited certain paragraphs of case diary showing complicity of this petitioner in the above crime. The statement of this petitioner, wife of deceased and the witnesses mentioned in case diary indicates that the wife of deceased had love affairs with this petitioner since before the marriage of deceased. This petitioner visited several times at the place of deceased. This petitioner and wife of deceased after making conspiracy had purchased a Dabiya from a local shopkeeper. On



the basis of confession of the wife of deceased, some of the limbs of deceased kept in a plastic bag were recovered from a water tank and the chopped head and limbs were recovered from the nearby pond. One of the witnesses in his statement has stated that on the relevant date, the wife of deceased along with this petitioner visited at his shop and had purchased a Dabiya. The said Dabiya was also recovered on the place of occurrence village and both had talked on several occasions. In course of investigation, the Police collected CDR of mobile of this petitioner and wife of deceased. The CDR shows that this petitioner and wife of deceased were in location of same mobile tower which is place of occurrence. The petitioner is resident of Khagaria district which situates at the distance of 150 k.m. from the place of deceased but on the relevant date he was with the wife of deceased.

Considering the complicity of this petitioner in committing murder of the deceased, I am not inclined to grant him bail. His bail prayer stands rejected.

**(Sanjay Kumar, J)**

Mahesh/-

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