

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2272 of 2019**

Arising Out of PS. Case No.-130 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

RAJ KUMAR CHOUDHARY S/o Ashok Chaudhary R/o village- Hardiya
Tola, P.S.- Muffasil, District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar Singh

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 10-07-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for bail vide order dated
01.05.2019 passed by learned Special Judge, POCSO Act,
Begusarai in Muffasil P.S. Case No. 130 of 2019 registered
under Section 302 of the Indian Penal Code and Sections 3(2)(v)
of the SC/ST Act.

Wife of the brother of the informant is said to have
been eliminated by some unknown miscreant.

It is submitted by learned counsel for the appellant
that the appellant has no concern with the aforesaid occurrence.
Appellant used to pay visit to the deceased to extend help to her
on the request of her husband and due to aforesaid grudge



informant has falsely implicated the appellant in this case. There is no cogent evidence on record indicating the complicity of the appellant in the occurrence. He has no criminal antecedent and has been languishing in custody since 26.03.2019.

On the other hand, learned Spl. PP for the State opposing the bail petition submitted that several witnesses in the case diary have stated that the appellant had visiting terms to the deceased and appellant and one Rajiv Chaudhary were spotted roaming in the vicinity of the place of occurrence preceding to the occurrence and one of the slipper found near the dead body is used by the appellant. Appellant has also identified the said slipper to be of his own and moreover a mobile phone was also recovered from the house of the deceased and SIM used in the said mobile phone is hailing to the appellant which eloquently indicates the complicity of the appellant in the occurrence.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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