

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45508 of 2019

Arising Out of PS. Case No.-57 Year-2019 Thana- BAGHA District- West Champaran

Dinesh Chaudhary, (Male), aged about 25 years, Son of Chhotelal alias Chhotelal Chaudhary, Resident of Village- Chhitauni, Tengraha Chak No. 4, P.S.- Hanumanganj, District- Kushi Nagar (U.P.). At present resident of Village- Pakargawn, P.S.- Bagaha, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ravi Shankar Sahay with Mr. Vijay Kumar Singh No. 1, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 11-12-2019

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in S. Tr. No. 316 of 2019 arising out of Bagaha P S Case No. 57 of 2019 dated 01.02.2019 instituted under Sections 364, 302/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he was running a tempo belonging to the deceased and the deceased had gone to collect money from him on 28.01.2019 and since then, had not returned.

4. Learned counsel for the petitioner submitted that only on suspicion, he has been made accused. It was submitted that the petitioner has no motive to kill the deceased as he was running the tempo of the deceased and earning his livelihood and also paying him the fare. It was submitted that the petitioner was caught from



the village by the police along with the tempo and is in custody since 04.02.2019.

5. Learned APP, from the case diary, submitted that the body of the deceased was recovered about 25 kilometers from his home near the river, with cut neck. It was submitted that it has come during investigation that the crime was committed by slitting the throat of the deceased and the body was thrown in the river. Learned counsel submitted that the call detail record shows numerous calls between the deceased and the petitioner on 27.01.2019 and 28.01.2019 also i.e. the day on which he went missing. Learned counsel submitted that there is strong motive for the petitioner as the tempo he was running belonged to the deceased.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Vikash/Ranjit

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