

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54161 of 2019

Arising Out of PS. Case No.-4 Year-2008 Thana- TANDWA District- Aurangabad

DUDHESHWAR SINGH Son of Late Deo Kumar Singh Resident of Village -
Mohri Itwa, P.S.- Tandawa, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Singh

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-09-2019 Supplementary affidavit is filed on behalf of the
petitioner. The same be kept on record.

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

The petitioner seeks bail in a case registered under
Sections 302, 120(B)/34 of the Indian Penal Code.

The dead body of one Lalan Prasad Singh was found in
small drawing room and there was black mark on his neck. It is
further alleged that on inquiry, the informant came to know that
the accused persons killed the deceased and thereafter, hanged
his dead body through a rope.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The



petitioner is in custody since 05-07-2019. The petitioner has been falsely implicated in the present case. There is a political rivalry between the parties and for the said reason, the petitioner has been made accused in the present case. The mother of the deceased has been examined under section 164 of Cr.P.C. She has categorically stated that when the deceased did not respond from inside the room, with the help of other people, the door of the room was broken and the deceased was found hanging from the ceiling. After lapse of a period of approximately two months, two more witnesses were examined under section 164 of Cr.P.C. who are said to be chance witnesses. As per the prosecution case, the occurrence is said to have taken place inside the house. The said two witnesses claimed that when they were returning they saw that the deceased was being strangled by the accused persons including the petitioner. There is contradiction between the statements of mother of the victim and the statement of said two chance witnesses. The postmortem report also supports the statement made by mother of the deceased. The cause of death as per the doctor, is said to be hanging. Hence, no offence u/S 302 of the Indian Penal Code is made out.

On behalf of the State, it is submitted that the petitioner



is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, the petitioner named above is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Tandwa P.S. Case No. 04 of 2008.

(Sudhir Singh, J)

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