

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75625 of 2018

Arising Out of PS. Case No.-138 Year-2018 Thana- GARDANIBAG District- Patna

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RAUSHAN KUMAR SINGH @ RAUSHAN KUMAR, Son of Bharat Singh
@ Bharat Kumar Singh, resident of Village- Kaler, P.S. Kaler, Fatehabad
District- Arwal at present resident of Village- Atwarpur, P.S. Parsa Bazar,
District- Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Pd. Singh, Sr. Advocate and Mr. Ram
Sumiran Rai, Advocate.
For the Opposite Party : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-04-2019 Heard learned counsels for the petitioner, informant
and learned A.P.P. for the State.

The petitioner is languishing in custody since
24.08.2018 in a case for the offence registered under Section
365 of the IPC. Later on, Section 302 of the IPC was also added.

The prosecution story, in brief, is that the son of the
informant had gone to meet with his friend on 15.03.18 at 2.00
P.M. but had not returned back and his Cell Phone bearing nos.
9065577685 and 7643864711 were switched off. At about 6.22
P.M. on 17.03.18 one call was received by the mobile number of
son of the informant i.e., 9065577685 but the call was given by
some other person and not by the son of the informant. Call was



recorded and received by the informant. Then F.I.R. was lodged to search the son of the informant.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come during the course of investigation only on the basis of suspicion. The petitioner has falsely been implicated in the present case. There is no allegation of abduction alleged against the petitioner. There is no eye witness to the alleged occurrence.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioner is not named in the F.I.R. The confession of the petitioner before the police had led to recovery of dead body of the deceased and Mobile Phone of the deceased. It is a case where the confession had led to recovery of dead body of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Gardanibagh P.S. Case No. 138 of 2018, pending in the court of learned A.C.J.M.-XIV, Patna.

The court below is directed to take all necessary steps



to expedite the trial.

(Sudhir Singh, J)

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