

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16098 of 2020**

Arising Out of PS. Case No.-272 Year-2019 Thana- NAVINAGAR District- Aurangabad

GAJENDRA SINGH @ GAJI SINGH Son of Late Mahendra Singh Resident
of Village-Simri Bhed, P.S.-Navinagar, District-Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 12-10-2020 Heard Mr. Sanjay Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Nawal Kishore Prasad,
learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of
Navinagar P.S. Case No. 272 of 2019, registered for the offence
punishable under Section 302 of the Indian Penal Code.

Mother of the victim is the informant. She has
alleged that her son had gone to the fields to fetch grass for the
cattle in the afternoon on the alleged date of occurrence, i.e.,
01.10.2019. She was subsequently informed, at about quarter to
6 O'clock, that someone had killed her son. She subsequently
found the dead body of the deceased with injuries in his neck.
She has further disclosed in the F.I.R. that nearly 20 minutes



before the deceased learnt about killing of her son, she was informed by her younger son that he had seen the petitioner near the place of occurrence with an axe. The informant suspected petitioner's role in the killing of her son because the petitioner's daughter had died some time before, of drowning, and the petitioner had been carrying an impression that she had died because she had developed intimate relationship with the deceased, in suspicious circumstances.

Learned counsel appearing on behalf of the petitioner has argued that there is no eyewitness to the occurrence and confessional statement of the petitioner is the only material against him.

I have perused the case diary, which is available on record. The petitioner, in his statement before the police under Section 161 of the Cr.P.C., while admitting his guilt, led the police to recover the axe (*tangi*) used for commission of the offence, which is evident from paragraph 22 of the case diary. The presence of the petitioner with the weapon near the place of occurrence in close proximity of the time of occurrence, nature of injury sustained by the deceased leading to his death and the recovery of the weapon on the basis of confessional statement, substantiate the case of the prosecution, at least for the purpose



of consideration on the point of grant of regular bail.

Considering the above, this application is dismissed.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the



present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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