

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23045 of 2020

Arising Out of PS. Case No.-134 Year-2019 Thana- RAFIGANJ District- Aurangabad

Sonu Tiwari aged about 26 years (Male) Son of Suraj Tiwari, resident of village- Meena Kudha, P.S. Paliganj, District Patna, at present address C/O Keshaw Pathak, Village + P.S. Kasma, District Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr .Shantanu Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-11-2020 Heard Mr. Shailesh Kumar Singh, learned counsel for petitioner and Mr. Shantanu Kumar, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Raffiganj P.S. Case No. 134 of 2019, S.Tr. No. 470 / 19 / 2501 / 19 registered for the offence under Section 302/201/34 of the I.P.C.

The prosecution story as per the First Information Report is that the Choukidar found a dead body on 23.05.2019 which was lying in a bush near the Railway line Pachmua Abdulpur Furiras Ghat.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of



suspicion and confessional statement of the co- accused Guddu Gupta and Pintu Kumar, who have been granted bail by this Court in Cr. Misc. No. 64643 of 2019 and Cr. Misc. No. 7499 of 2020 respectively.

On the other hand, learned counsel for the State referring to the case diary submits that the case of this petitioner is different than that of the case of the co-accused persons, who have been granted bail inasmuch as in the previous night of the day when the dead body was found by the Choukidar, the petitioner had called the deceased from his house on phone and on the next day the dead body of the deceased was found and there is a close proximity between the petitioner calling the deceased on his mobile and in the morning the dead body of the deceased was found. Learned counsel referring to the case diary also submits that the wife of the deceased has confirmed that the bag which was found near the dead body belongs to this petitioner, who had called the deceased on his mobile.

Having heard learned counsel for parties and taking into consideration the fact that just before the dead body was found, the petitioner in the previous night had called the deceased on his mobile and there is close proximity between the call and the death of the deceased, I am not inclined to grant



regular bail to the petitioner at this stage.

Accordingly, the same is rejected.

However, the petitioner may renew his prayer for bail after one year, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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