

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28473 of 2020

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

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Dinesh Chaudhary, Male, aged about 26 years, Son of Chhotelal @ Chhotelal Chaudhary, Resident of Village-Chhitauni, Tengraha Chak No.4, PS-Hanumanganj, District-Kushi Nagar (UP), At present address resident of Village-Pakargawn, PS-Bagaha, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 07-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Prashant Kumar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Bagaha PS Case No. 57 of 2019 dated 01.02.2019, instituted under Section 364 and 302/34 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 11.12.2019 passed in Cr. Misc. No. 45508 of 2019.



5. 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 later his body was recovered.

6. Learned counsel for the petitioner submitted that only on suspicion he has been made an accused and he had no motive for committing the crime as he was earning his livelihood from the tempo owned by the deceased and was paying him for the same. It was submitted that the petitioner is in custody since 04.02.2019 i.e., for more than two years.

7. Learned APP submitted that the Court has considered the merits on 11.12.2019 and had rejected the same. However, by way of reiteration, it was submitted that the body of the deceased was recovered and his neck was cut i.e., the mode of doing him to death was heinous. It was submitted that there was strong motive for the petitioner to commit the crime as he used to give money to the deceased for running his tempo and the petitioner had called the deceased to give him money on 28.01.2019 and since then he went missing and most importantly, during investigation, it has been found that the call detail record shows numerous calls between the deceased and the petitioner on 27.01.2019 and 28.01.2019 i.e., on the day on which he had gone missing and



there is a strong motive also. It was submitted that a period of two years of incarceration, in the facts and circumstances of the case and a strong finger of suspicion pointing directly towards the petitioner, was not sufficient to grant indulgence to the petitioner.

8. 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.

9. Accordingly, the application stands dismissed.

10. However, the Court below shall expedite the trial.

(Ahsanuddin Amanullah, J.)

P. Kumar

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