

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38340 of 2021

Arising Out of PS. Case No.-350 Year-2020 Thana- SITAMARHI District- Sitamarhi

Raju Kumar @ Ghazani Son of Madan Chaudhary Resident of Village -
Punaura, Purvi Ward No. 8, P.S.- Punaura, District - Sitamarhi- 843302.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Subodh Kumar, Advocate

For the Opposite Party : Mr. Awadhesh Kr Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-09-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Sessions Trial No.
52 of 2021 registered for the offences punishable under sections
302/34 of the Indian Penal Code.

As per the prosecution case, the informant alleged that
the preceding night, his nephew Raushan Kumar came from
Patna at his house at Sitamarhi, and after taking meal at night he
alone proceeded to go to his uncle's residence. In the
meanwhile, informant got information that his nephew was
lying injured on the road. Thereafter, they reached there and
took the victim to Sadar Hospital, Sitamarhi where he was
referred to S.K.M.C.H., Muzaffarpur, where he was declared
dead. It is further alleged that Smart phone and the Laptop,
being carried by the victim, were also stolen.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR. He is innocent and has falsely been implicated in this case. There is no eye witness of the occurrence. No substantive evidence has come during course of investigation to suggest the implication of this petitioner in the present case. Petitioner is in custody since 5.8.2020. Charge sheet has already been submitted.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner's name has surfaced in the case on the basis of CCTV footage collected from the place of occurrence and was duly identified by the local people. Even the stolen MI Smart phone of the victim has also been recovered from the possession of the petitioner. He also bears criminal antecedent.

Considering the rival submissions of the parties, recovery of mobile phone of the victim from the possession of the petitioner and his criminal antecedent, prayer for bail is refused.

(Prabhat Kumar Singh, J)

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