

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22146 of 2022

Arising Out of PS. Case No.-494 Year-2020 Thana- CHOUTARWA District- West Cham-
paran

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Guddu Rao @ Mithilesh Rao @ Mithlesh Rao Son of Late Hari Rao Resident
of Village - Nawganwa, P.S.- Chautarwa (Bhatwariya), Dist.- West Cham-
paran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kumar Singh, Snr. Advocate.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Chau-
tarwa (Bathwariya) P.S. case no. 494 of 2020 registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

As per prosecution's story the deceased, who was a
priest, was returning after performing some religious ritual on
the alleged date and time of occurrence and on the way some
unidentified persons killed him and threw his dead body in the
field.



The main submissions advanced by learned counsel for the petitioner are that the suspicion was raised against the unidentified persons and no suspicion was raised against the petitioner at the initial stage of the investigation and two months after the starting of investigation the deceased's wife suspected the petitioner to be involved in the alleged murder mainly on the ground that petitioner blamed the deceased to have practiced *Jadu tona* on his son, due to which his son remained ill. Further submission is that during the course of investigation the help of a sniffer dog was taken by the investigating officer, the said dog went up to the house of one Jitu yadav but the said scientific investigation also did not raise any suspicion against the petitioner to show his involvement in the alleged crime. Further submission is that there was no enmity between petitioner and the deceased and there was no reason for the petitioner to kill the deceased, and for the first time after three months of the alleged occurrence on the basis of statement of deceased's wife the petitioner was falsely implicated in this case. Further submission is that the present case is based on the circumstantial evidence but even then there is no circumstance which suggests the involvement of the petitioner in the alleged murder and in fact on seeing the dead body of the deceased the petitioner himself in-



formed Ex-Mukhiya Shailesh Tiwari and Dhananjay Pandey about the death of deceased which also shows petitioner's bonafide intention.

Learned APP has opposed the prayer for bail.

Having considered the above submissions and mainly taking into account the facts that petitioner has been dragged in the present case mainly on the basis of suspicion and he has clean antecedent, a lenient approach can be taken in respect of petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Chautarwa (Bathwariya) P.S. case no. 494 of 2020.

(Shailendra Singh, J)

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