

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38853 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- DANDARI District- Begusarai

RAHUL KUMAR Son of Mr. Manoj Kumar Choudhary Resident of Village-
Raghopur, P.S.- Dandari, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Ms. Vaishnavi Singh, Adv.
For the State	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Braj Bhushan Poddar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 376 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant states that at about 7 p.m. in the evening, his daughter proceeded from the house to ease herself and thereafter did not return. On search starting, there was sound of two gunshots. Thereafter, the daughter of the informant was found with gunshot injuries in her temple. Her marriage was fixed on 21.2.2021. It is stated by the informant that she was having a love affair with the petitioner and it was the petitioner along with his father who committed



the murder. It appears that she has been raped and killed.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From perusal of the F.I.R., it transpires that there is no eye witness to the occurrence. An unfounded and baseless suspicion is raised by the informant against the petitioner. The statement in the F.I.R. is contradictory to the statement of the brother of the deceased recorded in paragraph no.94 and of another witness recorded in paragraph no.95 of the case diary. The prosecution is relying on the confessional statement wherein also the petitioner has not confessed to have committed sexual assault or rape of the victim. The investigation in the case has concluded and chargesheet has been submitted. The petitioner is in custody since 22.2.2021 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned A.P.P. for the State that the petitioner has confessed his guilt. Learned counsel for the informant submits that it has transpired in course of investigation that tower location of the petitioner was in the vicinity of the place of occurrence. The doctor who conducted the postmortem examination was of the opinion that recent sexual assault cannot



be denied. The deceased was in contact with the petitioner and it is a case of circumstantial evidence.

Having heard learned counsel for the parties and taking into consideration the material on record including the contents of the case diary, there being no eye witness to the occurrence, chargesheet having been submitted in the case and the petitioner having remained in custody for more than 11 months, the Court directs the petitioner to be enlarged on bail in connection with Dandari P.S. Case no.15 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai.

(Partha Sarthy, J)

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