

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33991 of 2022

Arising Out of PS. Case No.-231 Year-2021 Thana- RAJPUR District- Buxar

1. Pappu Singh @ Rajnarayan Singh Son of Late Bhagwan Singh Resident of Village - Dev Khaira, P.S.- Kochas, District - Rohtas.
2. Ram Dular Singh Son of Late Saryu Prasad Singh Resident of Village - Kargahar, P.S.- Kargahar, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-12-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Rajpur
P.S. Case No. 231 of 2021 registered for the offence under
Sections 120(B), 302 and 201 of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R.
and are in custody since 26.04.2022.

As per F.I.R., one unidentified dead body of female
was found on the bank of Dharmavati river, which was
recovered by A.S.I., Yusuf Ansari, who is the informant also,



giving description of dead body thereof and also found one inserted fistula in the arm with saline water pipe, which was during the course of investigation, identified by uncle of the deceased, as per paragraph-19 of the case diary, where a suspicion was raised against these petitioners to commit murder alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is a co-villager and petitioner no. 2 is the “Mausa” of the deceased, where nothing surfaced during the course of investigation, which may connect both petitioners with present set of occurrence. It is submitted that as both petitioners participated in marriage negotiation of the deceased, a suspicion was raised against them regarding active participation in present occurrence. It is pointed out that in paragraph-34 of the case diary, where statement of the mother of the deceased is recorded, disputing identification of deceased itself as identified by her uncle as mentioned in paragraph-19 of the case diary, which is the basis of implication of petitioners in present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.



Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except suspicion, nothing surfaced during the course of investigation to connect above named petitioners with present occurrence, in the background of doubtful identification of the dead body coupled with the fact that charge-sheet has been submitted, let both above named petitioners are directed to be released on bail in connection with Rajpur P.S. Case No. 231 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 learned Additional Chief Judicial Magistrate-V, Buxar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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