

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39855 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

Rahul Kumar Singh @ Madhukar S/o Late Raghwendra Narayan Singh R/o
village- Malik Sarai, P.S.- Chainpur, Distt.- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Jha, Advocate
For the State	:	Mr. Rajiv Nayan, APP
For the Informant/s	:	Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 16-11-2022 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 as well as

learned counsel appearing for the informant and learned APP for

the State.

Petitioner seeks regular bail in connection with Chainpur

P.S. Case No. 10 of 2022 registered for the offences punishable

under Sections 302, 120 (B) of the Indian Penal Code.

As per the prosecution, the informant's son (now

deceased) Sagar Anand Pandey was murdered by some

unknown persons and the dead body was found at the

deceased's rented house.

The main submissions advanced by learned counsel Mr. Chandra Mohan Jha, appearing for the petitioner are that the FIR was lodged against unknown persons and during the investigation the petitioner was implicated merely on the basis of suspicion and as per the CDR details the deceased was in contact with this petitioner only before two days of the alleged occurrence and except this there is no material against the petitioner to show his involvement in the alleged murder and admittedly there is no eye-witness of the alleged murder. Further submission is that against the petitioner there is criminal antecedent of three cases in which he is on bail and in fact the deceased was in-charge of the distribution center of fertilizers and he was bound to distribute the fertilizers but in the distribution some irregularity was committed by him which was objected by the public and during that period there was a tension and anger among the public in respect of the alleged irregularity committed by the deceased.

Learned counsel Mr. Prashant Kumar, appearing for the informant and learned APP Mr. Rajiv Nayan, appearing for the State have vehemently opposed the prayer for bail and submitted that as per the post-mortem report of the deceased the cause of death of the deceased was opined to be Asphyxia

caused due to Strangulation and as per the statement of one namely, Dadua Singh @ Amrej Pratap Singh, the deceased left with this petitioner and other co-accused person just one day before the alleged occurrence and thereafter his dead body was found and according to the call details record concerned to the Mobile Phone and location of the petitioner, the deceased and the petitioner were present near the alleged place of occurrence and as per the re-statement of the informant the petitioner and co-accused person had threatened the deceased one and half month before the occurrence.

Heard both the sides and perused the FIR and the case diary of this case. The instant matter relates to the offence of murder, though the FIR was lodged against the unknown persons but during the course of investigation it came into light in the re-statement of the informant that the petitioner and co-accused had threatened the deceased for having committed irregularity in the distribution of the fertilizers and the death of the deceased occurred due to Strangulation as per the post-mortem report and as per Paragraph No. 93 of case diary the phone location of the petitioner was found near the place of occurrence. All these facts and circumstances go against the petitioner and the same raise a strong presumption of last seen

of the deceased with this petitioner. Considering these facts and taking into account the criminal antecedent of three cases of this petitioner, this Court is not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail stands rejected.

As per the submission made by learned counsel appearing for the petitioner, the case of the petitioner has not been committed, hence the court below is directed to take steps to commit the case of the petitioner as per the provisions of law. If no significant progress is made in the case of the petitioner in the next six months with regard to the proceeding of the trial of the petitioner then the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

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