

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71181 of 2021**

Arising Out of PS. Case No.-257 Year-2015 Thana- CHARPOKHARI District- Bhojpur

DASHRATH PASWAN Son of Late Sheo Bacchan Ram Resident of village -
Bardiha, Police Station - Charpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s :	Mr. Uma Shankar Prasad Singh, APP
For the Informant :	Mr. Avinash Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2022 Heard Mr. Sanjay Kumar, learned counsel for the
petitioner, Mr. Avinash Kumar Singh, learned counsel for the
informant as also learned APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The FIR is of 2015 and the petitioner is in judicial
custody in connection with Charpokhari P.S. Case No. 257 of
2015 for the offences registered under Sections 364, 302, 201,
120B, 201 and 34 of the Indian Penal Code.

As per the allegation, one of the co-accused came to
the resident of the informant and told her husband that the water
has now come in the canal and so its time to irrigate the field. It
is alleged that thereafter the informant's husband (since



deceased) went with the said Kamta Mushar. However, when he failed to return, the said Kamta Mushar was interrogated and he disclosed that the petitioner herein along with 4-5 miscreants had come to the field and they took away her husband. The dead body of the informant's husband was later recovered from a well with slitted neck. Accordingly, the FIR was lodged against the named accused persons.

The police investigated the matter and submitted charge-sheet against other accused persons. As the petitioner remained an absconder despite the fact that he was named accused in an FIR lodged in 2015, investigation continued against him. It was only six years later that the police was finally able to arrest him on 20.05.2021 whereafter supplementary charge-sheet has been submitted against him.-

As per paragraph-3 of the bail application, the petitioner is an accused in Charpokhari P.S. Case No. 240 of 2015 for the offence registered under Sections 147, 148, 149, 341, 323, 302, 504 and 506 of the Indian Penal Code as also Sikraul P.S. Case No. 29 of 2016 for the offence registered under Sections 302/34 of the Indian Penal Code.

Considering the fact that allegation has been levelled against the petitioner herein in the FIR itself in 2015 that he was



a person along with other co-accused, who took away the husband of the informant and subsequently his dead body was found, he remained as absconder for six years and finally came into judicial custody only in 2021 as also the fact that in between another case being Sikraul P.S. Case No. 29 of 2016 was lodged under Section 302/34 of the Indian Penal Code against him, this Court is not inclined to grant any relief to the petitioner.

The bail application of the petitioner is hereby rejected.

(Rajiv Roy, J)

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