

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20299 of 2023**

Arising Out of PS. Case No.-533 Year-2022 Thana- KAUWAKOL District- Nawada

Sulendra Chaudhary @ Surendra Chaudhary S/O Ramswrup Chaudhary
Resident of Village- Marwa, P.S.- Pakribarawan, District- Nawada (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar,Advocate
For the Opposite Party/s : Mrs.Sharda Kumari,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 12-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 28.09.2022 in connection with Kauakole P.S. Case No. 533 of 2022, F.I.R. dated 27.09.2022 registered for the offence punishable under Sections 302,120(B),34 of the Indian Penal Code.

As per prosecution case, informant alleged that when her husband had gone to attend the nature call at that time petitioner assaulted on his neck by means of Pasuly (sharp edge weapon) due to which he died.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the



present case due to previous dispute. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 26.09.2022 but the present FIR has been instituted on 27.09.2022 without giving any explanation of delay. Further submits that in fact the informant is not the eye witness of the alleged occurrence.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the specific allegation against the petitioner is that he assaulted to the husband of the informant on his neck by means of Pasuly (sharp edge weapon) due to which he died and the postmortem report also corroborates the allegation as alleged in the FIR and cause of death-“*asphyxia duro sharp cutting object. Time elapse since death-Twelve hours to twenty five hours.*” Further submits that the petitioner carries one more case other than the present one.

Considering the fact that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Kauakole P.S. Case No.



533 of 2022 pending in the court of learned Judicial
Magistrate-1st Class, Nawada.

Prayer is refused.

(Rajesh Kumar Verma, J)

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