

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44461 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- GAURICHAK District- Patna

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Raushan Kumar, S/o Yogendrara Ram, R/o Village- Ainio, PS. Gaurichak, Dist.
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

Mr. Surendra Kumar Singh, Advocate

Ms. Sudha Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gaurichak P.S. Case No.116/2023, lodged on 22.02.2023 under
Sections 302, 379, and 394 of the Indian Penal Code.

3. As per the prosecution, the informant who is a
retired BSF employee resides along with his father (deceased).
It is alleged that on 20.02.2023, the informant after feeding his
father left the house to Patna for some necessary work. In the
evening, when the milkman came to the house of the informant
to deliver milk, he knocked the door, but the door was not
opened. Thereafter, the milkman informed the uncle of the



informant who went to his terrace and saw his brother lying on the ground on the first floor in injured condition. Subsequently, the informant on being informed about the said incident came and entered the house along with others and found Godrej Almira opened, two sets of *payal* weighing 200 gram, a gold ring, and an inverter missing, leading to registration of FIR against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is custody since 26.02.2023 having clean antecedent and the chargesheet has already been filed in this case. He further submits that neither the petitioner is named in the FIR nor he has been put on Test Identification Parade, but only on the basis of confessional statement of co-accused, Gaurav Kumar, he has been roped in the present case. The said co-accused, Gaurav Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 21.08.2023 passed in Criminal Miscellaneous No.45016 of 2023.

5. Learned counsel for the informant opposes the prayer for bail and submits that it is true that the name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused, but in paragraph 39 of



the case diary, he has confessed his guilt and has narrated the *modus operandi* of commission of crime. He further submits that by virtue of disclosure made by this petitioner in para 24 of the case diary, recovery of gold ring has been made, which is reflected in para 46 of the case diary. He further submits that the death has been caused by stone chakia (hard and blunt substance) which has been fully supported by the post-mortem report which is annexed with the case diary. He further submits that finger and foot prints have also been taken from the place of occurrence which has been sent to the Forensic Science Laboratory for examination.

6. Learned counsel for the State opposes the prayer for bail and submits that not only the recovery rather the *post-mortem* report has supported the *modus operandi* of commission of crime as well as the injury found on the person of the dead body.

7. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Gaurichak P.S. Case No.116/2023 pending before the learned ACJM -VI, Patna City is hereby rejected.



9. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J)

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