

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66018 of 2021**

Arising Out of PS. Case No.-77 Year-2021 Thana- CHAORI District- Bhojpur

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RUDAL SINGH @ RUDAL KUMAR S/o Jhurkut Singh @ Jhikuti Singh R/o
village- Diliya, P.S.- Chauri, District- Bhojpur (Ara)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Chauri P.S. Case No. 77/2021, registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, namely, Dharmendra Singh, is that he along with his nephew had left their home on a motorcycle on 10.7.2021 at about 5:00 pm. and one boy, namely, Ram Babu Singh, had also accompanied them and when



they had reached near Bhikhampur market, the accused persons including the petitioner herein had arrived there on their motorcycle and an altercation had taken place, however, they had fled away from the place of occurrence after sometime. It is further alleged that when the informant along with his nephew, namely, Pawan Kumar and one another boy, namely, Ram Babu Singh, had proceeded further and had reached in between Diliya Lakh and Berath Bridge, the aforesaid accused persons including the petitioner herein had again arrived there on their motorcycle and had stopped the informant, whereafter, they had taken out their knives and had assaulted the nephew of the informant, namely, Pawan Kumar, repeatedly, resulting in his death on the spot, however, the informant and the other person, namely, Ram Babu Singh, had managed to escape.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and



he is languishing in custody since 19.7.2021. The learned counsel for the petitioner has further submitted that the petitioner is having a clean antecedent. The learned counsel for the petitioner has further submitted that though the incident had taken place on 10.7.2021 and the FIR was also lodged on the same day, but the same was sent to the court belatedly on 19.7.2021, hence, the said time gap creates doubt about the authenticity of the prosecution story and it might be possible that the actual version has been suppressed. It is also submitted that though the accused persons are stated to have assaulted on the neck of the deceased, however, the postmortem report does not depict any injury on the neck of the deceased.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that the petitioner along with the other two co-accused persons had given repeated blows by knife on the neck and head of the deceased and the inquest report also shows



that the deceased has received knife blow on various parts on his person, which is also corroborated by the postmortem report. Hence, it is submitted that prima facie, ample materials are available on record so as to connect the petitioner with the alleged crime.

I have heard the learned counsel for the parties and gone through the materials available on record, apart from having perused the case diary from which it is apparent that ample materials are available on record so as to connect the petitioner with the alleged crime, who is alleged to have committed the gruesome murder of the deceased, thus, I am not inclined to grant bail to the petitioner, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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