

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55689 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- KUDRA District- Kaimur (Bhabua)

DHARMENDRA CHAUHAN Son of Ram Ashare Chauhan Resident of
Village Bakauri P.S- Dhina, District- Chandauli (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 27-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Kudra
P.S. Case No. 179 of 2022, registered for the offences
punishable under Sections 302 and 34 of the Indian Penal
Code.

As per allegation, the accused petitioner has
assaulted the victim by bricks on the chest, due to which he
died.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that allegation regarding the way of



assault does not suggest that the accused persons had intention to kill the victim. At most, this is a non-intentional death. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 06.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the injury caused by the accused persons suggest that they had sufficient knowledge that their act is going to cause death to the victim, as such, this is a case of murder.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioner on bail at this stage.

The petition is accordingly rejected.



However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of one year, the petitioner is at liberty to renew his prayer for bail.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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