

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26150 of 2024

Arising Out of PS. Case No.-38 Year-2022 Thana- AIRPORT District- Patna

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Dhiraj Kumar Son Of Late Rajdeo Singh Resident Of Murlichak Jagdeo Path,
P.S. - Hawaii Adda, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Rikesh Sinha, Advocate

For the Opposite Party : Mr.Dinesh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 28-08-2024 Heard learned counsel for the petitioner and

learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Hawaii Adda P.S Case No. 38/2022 dated 06.02.2022 registered for the offences punishable u/s 363 and 365 of the Indian Penal Code and subsequently added Sections 302 and 201 of the Indian Penal Code.

3. As per the prosecution case, on 03.02.2022 in the morning the informant's wife went away without giving information and she has not come back to home till 06.02.2022. The informant searched her but she could not



be traced.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R, the name of the petitioner has surfaced in this case from the statement of the witnesses Sangita Singh, Purushottam Singh, Poonam Devi, Mithlesh Singh and Rishu Kumar (in para 72, 73, 84, 96, 196 and 197 of the case diary). The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 19.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the petitioner is the husband of the deceased. The petitioner was the informant in this case who became accused during investigation. It is further submitted that some bloodstains were recovered from the bed kept in the room belonging to Khushi Kumari and the same was sent for DNA analysis and it was found that blood actually belongs to Khushi Kumari. As per the FSL report, the Human DNA have been recovered from the source of exhibits marked – A, B, C and D respectively and on the basis of observation, it is



sufficient to conclude that the source of exhibit marked – C (source-blood sample of Mithlesh Singh) and source of exhibit marked – D (source- blood sample of Poonam Devi) are found to be Biological parents of the biological stains found on source of exhibit marked-B (source-blood stained bed mattress cuttings). In the Narco Test, one Sanjeet Kumar has stated that Dhiraj has killed her (Khushi). It is further submitted that page no. 6 of the Narco Test is missing.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Hawaii Adda P.S Case No. 38/2022, pending in the court of learned Judicial Magistrate-1st Class, Patna.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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