

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40596 of 2024

Arising Out of PS. Case No.-94 Year-2023 Thana- BHAGWANPUR District- Begusarai

Dilkhush Kumar son of Yogendra Sah Village- Chak Biduliya Ps- Bibhutipur
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 18-11-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Bhagwanpur (Tiyay) P.S. Case No. 94 of 2023 instituted for the
offence under Sections 302/34 of the Indian Penal Code.

3. Prosecution case in short is that son of the
informant was murdered after hatching conspiracy by the
petitioner and one Beauty @ Anuska Kumari, who are alleged to
be in illicit relationship.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 13-04-2023. Petitioner is a
man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. It is submitted that petitioner has been implicated in this case only on the basis of suspicion that too on the basis of alleged illicit relationship of the petitioner and the wife of the deceased. Learned counsel for the petitioner next submits that entire prosecution case is concocted and is based on conjecture and surmises.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that witnesses have supported the prosecution case. It is next submitted that CDR of the petitioner and wife of the deceased was found at the same place. The proximity of the petitioner in commission of crime is very high.

7. Considering the aforesaid facts and circumstances of the case, taking into account the nature and gravity of the offence and the fact that petitioner's CDR was found at the same place with the wife of the deceased, which shows complicity of this petitioner in the alleged occurrence, this Court is not inclined to grant bail to the petitioner. Prayer is accordingly *rejected*.

8. However, petitioner will be at liberty to renew his prayer of bail if the trial is not concluded within a period of one



year from today.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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