

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.75444 of 2023

Arising Out of PS. Case No.-143 Year-2018 Thana- UCHKAGAON District- Gopalganj

Dinesh Kumar @ Dinesh Kushwaha Son Of Shri Jaleshwar Bhagat @
Jaleshwar Kushwaha Resident Of Village - Barari Jagdish, P.S. - Uchakagaon,
District – Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shiv Sager Sharma, Advocate

For the Opposite Party : Mr. Sadanand Paswan, Spl.PP

Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 27-02-2024 The petitioner seeks bail in connection with Uchakagaon P.S. Case No. 143 of 2018 registered under section 279 and 304-A of the Indian Penal Code. Later on, converted into under Section 302/34 of the Indian Penal Code and under Section 3(2)(v) of the SC/ST Act.

2. It is alleged that the petitioner along with other accused persons had planned and committed the murder of the deceased.

3. Initially, the case was registered for accidental death. Subsequently, one Abit Ram has been arrested, who has confessed his guilt. From examination of the motorcycle of the deceased, it was found not to be a case of accidental death. The petitioner is in custody since 09.08.2023.

4. In the impugned order, the Court below has discussed the materials in detail appearing against the present



petitioner.

5. Learned counsel for the petitioner has produced a copy of the order dated 24.04.2023, by which one of the co-accused Abit Ram, who also involved in killing the deceased, has been granted bail by the learned A.D.J.-III-cum-Special Judge, SC/ST Act, Gopalganj and has submitted that the petitioner is also entitled for bail.

6. I have considered the submissions of the petitioner.

7. Considering the materials which have come during investigation, it appears that it is a case of homicide and not accidental death and the petitioner and others are involved in killing of the deceased.

8. In these circumstances, I am not inclined to grant the petitioner privilege of regular bail for the present. Accordingly, this bail application is dismissed.

9. Call for the photocopy of the records of Uchakagaon P.S. Case No. 143 of 2018 from the Court of learned A.D.J.-III-cum- Special Judge, SC/ST Act, Gopalganj so that this Court may know as to under what circumstances the co-accused Abit Ram has been granted bail by the Court below.

10. List this case on **15.03.2024 under the**



heading “For Orders”.

11. Let a copy of this order be communicated to the District Judge, Gopalganj forthwith through FAX or e-mail for its compliance.

12. The copy of the order dated 24.04.2023 passed by the learned A.D.J.-III-cum- Special Judge, SC/ST Act, Gopalganj is taken on record.

(Sandeep Kumar, J)

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