

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83346 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- KURTHA District- Jehanabad

Dinesh Chaudhary @ Ganesh Chaudhary S/o Lakhan Chaudhary R/o vill -
Helalpur, P.S. - Kinjar, Distt.- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Kurtha
P.S. Case No. 190 of 2024 instituted for the offence under
Sections 103(1) & 238 of the Bharatiya Nyaya Sanhita, 2023.

3. As per prosecution case, accusation against the
petitioner is of committing murder of the wife of the informant
on account of extra marital affair.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 14-08-2024. Petitioner
bears no criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.

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



counsel that petitioner has been falsely implicated in the present case only on the basis of suspicion. Learned counsel for the petitioner submits that petitioner is a distant relative of the informant and deceased and he has been implicated in this case only because the petitioner used to talk to the deceased. There is no material in the case diary to show the complicity of the petitioner in the alleged occurrence. There is no eye witness to the occurrence. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 35 of the case diary, it is submitted that mobile phone which was used by deceased for contacting the informant has been recovered from the petitioner. It is next contended that petitioner has confessed his guilt in his confessional statement and mentioned a detailed *modus operandi* as to how the murder was committed. Postmortem report suggests the cause of death is due to throttling (asphyxia) and abrasions on different parts of the body of the deceased.

7. Considering the aforesaid facts and circumstances of the case, taking into account the material against the petitioner in the case diary, this Court is not inclined to grant bail to the petitioner. Accordingly, at this stage, prayer for bail is



rejected.

8. However, petitioner will be at liberty to renew his prayer for bail after six months if the trial is not concluded within a period of six months from today.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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