

(2021) 02 PAT CK 0142

Patna High Court

Case No: Criminal Miscellaneous No. 32604 Of 2020

Chhotu Singh @ Baldau Singh

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Feb. 10, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 201, 302, 307, 364

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Tribhuwan Narayan, Parmeshwar Mehta

Final Decision: Dismissed

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Tribhuwan Narayan, learned counsel for the petitioner and Mr. Parmeshwar Mehta, learned Additional Public Prosecutor (hereinafter referred to as the "APP"™) for the State.
3. The petitioner is in custody in connection with Bhabua PS Case No. 38 of 2019 dated 22.01.2019, instituted under Sections 302, 201 and 364/34 of the Indian Penal Code.
4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 11.12.2019 in Cr. Misc. No. 45504 of 2019.
5. The allegation against the petitioner is that he was party to killing of his brother-in-law (husband of his sister) who was the son of the informant.
6. Learned counsel for the petitioner submitted that he has been falsely implicated only because he is the brother of the wife of the deceased and that

the deceased had lodged cases against the petitioner and his father. He submitted that the confessional statement of the petitioner is before the police

which was not voluntary and cannot be relied upon and he has been remanded in the present case on 28.03.2019.

7. Learned APP submitted that there is strong motive of the petitioner to kill the deceased and further the deceased had gone with his wife and two

sons to buy medicine and thereafter the wife and two sons had gone to her parentâ€™s place and the deceased had not returned and later the

petitioner had confessed and also given details of the vehicle on which the deceased was taken, killed and the body thrown in the Ganges river and on

his confession, the vehicle was recovered from the parking stand of Deen Dayal Upadhyaya Railway Station and blood was also found in the vehicle.

It was submitted that co-accused Prabhat Kumar has also confessed to his complicity in the crime. It was further submitted that the petitioner is

accused in nine other cases right from the year 2005 under serious sections of the Indian Penal Code including Sections 307 and 302 of the Indian

Penal Code.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any fresh

ground has been made to consider the prayer for bail of the petitioner.

9. Accordingly, the application stands dismissed.