

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40655 of 2014

Arising Out of PS.Case No. -95 Year- 2014 Thana -DIGHA District- PATNA

Kameshwar Singh, son of Kapil Manu Singh @ Bobin Singh, R/o Village –
Bhadaurpur Tola (Paharpur), P.S. Garhani, Distt. Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.41023 of 2014

Arising Out of PS.Case No. -95 Year- 2014 Thana -DIGHA District- PATNA

Upendra Singh Son of Ramayan Singh, resident of village- Lasadhi, P.S.
Gadahni, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.49243 of 2014

Arising Out of PS.Case No. -95 Year- 2014 Thana -DIGHA District- PATNA

Binod Kumar Son of Late Jyota Singh Resident of Lekhan Bigha, P.S. Bihta
District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

(In Cr.Misc. No.40655 of 2014)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party/s : Mr. G.S.Gupta(App)

(In Cr.Misc. No.41023 of 2014)

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate.

For the Opposite Party/s : Mr. Arun Kr.Singh 5(App)

(In Cr.Misc. No.49243 of 2014)

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

For the Opposite Party/s : Mrs. Sharda Kumari (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 20-04-2015 Heard both sides.

The petitioners, namely, Kameshwar Singh, Upendra Singh and Binod Kumar, seek bail in Digha P.S. Case No. 95 of 2014, corresponding to S. Tr. No. 840/2014, under Sections 364(A)/34 of the Indian Penal Code. Later on, Sections 302 and 120B of the Indian Penal Code were added.

The informant alleged that Surendra Kumar, her maternal-brother, came and took her brother Ved Prakash along with him to his village and thereafter Ved Prakash was missing. It transpired during the course of investigation that Surendra Kumar, Binod Kumar, Kameshwar Singh and Upendra Singh, all have conspired and killed Ved Prakash and concealed his dead body under the sand by the side of Sone river. On the basis of confession of Surendra Kumar and Binod Kumar, the dead body of Ved Prakash was recovered.

Sri Ajay Kumar Thakur, Sri Sanjay Kumar @ Manu and Sri Devendra Kumar, learned counsels for the petitioners, submit that except the confessional statement, there is no material against the petitioners Kameshwar Singh and Upendra Singh.

On the other hand, it is submitted that the trial is at its fag end. All the prosecution witnesses have been examined. CDR of telephones were obtained to show that all the petitioners were

together and on the confession of Surendra Kumar and Binod Kumar, the dead body was recovered.

Having considered the facts aforesaid and the fact that the trial is at its fag end, I am not inclined to enlarge the petitioners on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within four months from the date of receipt of this order. If the trial is not concluded within the stipulated period of time, the petitioners may renew their prayer for bail firstly in the trial court.

The Sr. Superintendent of Police, Patna is also directed to ensure attendance of all the witnesses during the course of trial so that the trial must conclude within four months.

Let copy of this order be sent to the learned court below as well as the Sr. Superintendent of Police, Patna for compliance.

(Prabhat Kumar Jha, J)

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