

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1803 of 2016

Arising Out of PS.Case No. -244 Year- 2015 Thana -DARAUNDA District- SIWAN

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1. Ramesh Kumar Singh @ Ramesh Singh Son of Parsuram Singh resident
of Village : Purabi Harsar, P.S. : Daraunda, District : Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 14-03-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Daraunda
P.S. Case No. 244 of 2015 registered for the offences punishable
under Sections 302 and 201/34 of the Indian Penal Code.

Allegedly, Vivek Kumar Singh, the grand-son of the
informant was playing at the door on 11.08.2015 at about 11.30
a.m., but thereafter, he was traceless and it is alleged that he might
have been kidnapped. During investigation the dead body of
Vivek Kumar Singh, aged five years, was recovered and further
the informant claimed that the petitioner and other co-accused
were seen throwing the dead body and further other witnesses
have seen the petitioner and others fleeing away after throwing the
dead body and the petitioner confessed his guilt also.

Submission is of false implication and that there is no

eye witness of the occurrence, no one has seen the petitioner kidnapping the deceased or killing him, due to previous enmity the petitioner and his family members have been falsely implicated, the police got recorded the confessional statement forcibly which does not tally with the post-mortem report, as no cut injury was found by the doctor, there is no legal and tangible material against the petitioner and he is suffering in custody since 16.09.2015.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the informant and other witnesses have seen the petitioner and other co-accused throwing the dead body and further the petitioner has confessed his guilt and on the basis of his confessional statement, *khurpi* used in the crime, was also recovered.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, at this stage this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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