

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43488 of 2017

Arising Out of PS.Case No. -127 Year- 2016 Thana -BACHWARA District- BEGUSARAI

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1. Pravin Kumar @ Pravin Thakur @ Pravin Kr. Thakur S/o Kailash Thakur
resident of Village- Dalsinghsarai, P.S. Dalsinghsarai, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh

For the Opposite Party/s : Smt. Suman Kumari Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 04.10.2016 in connection with Bachhawara P.S. Case No. 127 of 2016 for offences punishable under Sections 363, 365, 34 of the Indian Penal Code. Subsequently, Sections 364, 302 and 201 of the IPC has been added when body of Dipak Kumar was recovered.

The prosecution case, as lodged by the informant, is that his son Dipak Kumar had gone to recover the stolen Bolero vehicle with Rs. 1 lac and on telephone he told his younger brother Sandeep that he was with petitioner and two other co-accused,



namely, Manish Kumar and Rajnish Kumar @ Radhe and thereafter his mobile was switched off and the informant's son Dipak Kumar was traceless. Subsequently, his dead body was found and the motorcycle, on which he had gone, was found in an abandoned condition.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been made accused only on the basis of confessional statement of co-accused Manish Kumar and thereafter on the confessional statement of other co-accused and also on his own extra judicial confessional statement before the police. He submits that there is no eye-witness to the alleged occurrence and the petitioner is languishing in judicial custody for more than a year. He further submits that trial is yet to begin and petitioner is ready to cooperate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail stating therein that from the statement of co-accused as well as confessional statement of the petitioner, it is evident he along with other co-accused has strangled the informant's son Dipak Kumar and disposed off the dead body.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to



the petitioner at this stage in connection with S.T. No. 726 of 2016, arising out of Bachhawara P.S. Case No. 127 of 2016, pending in the court of learned Sessions Judge 2nd, Begusarai.

Application is, accordingly, rejected. However, learned court below is directed to expedite the trial and conclude the same within nine months. Petitioner is at liberty to renew his prayer for bail after nine months if trial is not concluded by that time.

(Nilu Agrawal, J)

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