

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49454 of 2016

Arising Out of PS.Case No. -689 Year- 2016 Thana -BANKA District- BANKA

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Rupesh Thakur, son of Mahesh Thakur Resident of Mohallah-Vijaynagar,
Police Station-Banka, District-Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee-Advocate

For the Opposite Party/s : Mr. Sri Arun Kumar-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 09-02-2017

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Petitioner has been alleged to have accompanied the victim Suraj Paswan, who is still traceless to his relative's place from where petitioner returned back alone. On query, he had stated that Suraj will return in a day or two, but as he had not returned on account thereof, informant, father of victim Suraj had filed instant written report to that effect.

Learned counsel for the petitioner has submitted that Suraj was possessing wayward character, which is evident from inculpatory extra-judicial confessional statement of Soni Kumari recorded under Para-32 of the case diary. He has further stated that whatever allegation has been attributed against the petitioner happens to be palpably false. So, submitted that considering the period of custody, petitioner should be released on bail. It has also



been submitted that there happens to be complete absence of motive for commission of any kind of untoward incidence with aforesaid Suraj Paswan, more particularly in the background of absence of criminal antecedent. So, petitioner should be released on bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

From perusal of the case diary, it is evident that Soni Kumari happens to be cousin (Mauseri) sister of the petitioner. Apart from consistent statement of the inmates of the house identifying the petitioner to have accompanied Suraj Paswan, victim, the issue has also been enlightened by Soni Kumar during her inculpatory extra-judicial confessional statement and further, it also speaks a lot regarding the motive as aforesaid Suraj Paswan had fallen in love with Soni Kumari, which was not at all accepted, tolerated by her family members. Victim is still traceless.

That being so, the petitioner does not deserve bail. Accordingly, prayer for bail is rejected.

However, petitioner will be at liberty to renew his prayer after recovery of the victim.

(Aditya Kumar Trivedi, J)

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