

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8807 of 2019

Arising Out of PS. Case No.-418 Year-2018 Thana- MADHUBANI TOWN District-
Madhubani

=====

SONU KUMAR THAKUR Son of Sri Lalan Thakur Resident of Village-
Loharsari Chowk, P.S.- Town, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Opposite Party/s : Mr.Murli Dhar

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 364, 302 and 201 of the Indian Penal
Code.

The prosecution case in short is that the accused
persons kidnapped the brother of the informant and later his
dead body was found.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 19.11.2018 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. The petitioner has falsely been



implicated in the present case. The petitioner is not named in the F.I.R. Nothing is alleged to have been recovered from the possession of the petitioner.

On behalf of the State, it is submitted that it is a case of abduction leading to murder. The eye witnesses, in course of investigation, in paragraphs 9, 10 and 11 of the case diary have categorically stated that the petitioner, along with others, had abducted the deceased and thereafter his dead body was found. As per Section 106 of the Evidence Act, the onus is on the petitioner and other co-accused to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a period of one year from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

