

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16491 of 2019**

Arising Out of PS. Case No.-50 Year-2018 Thana- LAXMIPUR District- Jamui

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DHEERAJ KUMAR, Male, aged about 18 years, Son of Fudo Ram, Resident of Village - Gandhi Ashram Gangra, P.s- Gidhour, Distt.- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Satya Prakash Parasar, Advocate.
For the Opposite Party : Mr.Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 17-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that the brother of
the informant Parmanand Singh used to live in Gangra Village
after constructing cattle shed and he was doing cultivation there.
On 16.02.2018 in the night, unknown persons had murdered him
after assaulting him with stone while he was sleeping. On
17.02.2018, co-villagers of Gangra Village informed the
informant on telephone, upon which, the informant with his
family members went there at 1.30 P.M. in the day and found
his brother Parmanand Singh dead in cattle shed.

It has been submitted by learned counsel for the



petitioner that the petitioner is languishing in custody since 27.09.2018. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Charge sheet has been submitted in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has come in the present case on the basis of confession of co-accused. An *Axe* was recovered on the confession of the co-accused including the petitioner. But the *Axe* was recovered from a different place than the place mentioned in the confession. Hence, it cannot be said that confession had led to recovery.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R. His name has come in course of investigation on the basis of confession of co-accused. There is a chance witness to the alleged occurrence whose statement has come in paragraph no. 33 of the supplementary case diary. He is an eye witness to the alleged occurrence and has specifically stated in respect of the petitioner and other accused persons that they had threatened him not to disclose to any one regarding the alleged occurrence.

Considering the fact that the petitioner had actively participated in the alleged occurrence, I am not inclined to grant



bail to the petitioner. The same is rejected in connection with Laxmipur (Gidhour) P.S. Case No. 50 of 2018, pending in the court of learned J.M. Ist Class, Jamui.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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