

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20491 of 2019

Arising Out of PS. Case No.-83 Year-2018 Thana- RUDRAPUR District- Madhubani

Shiv Shankar Thakur @ Chhotu Thakur Son of Ram Bahadur Thakur
Resident of Village- Karnpur, P.S.- Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 09-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under
Sections 363, 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that two motorcycle
riders are said to have kidnap one Ranjana Kumari from fair and
in the way, she was thraced from motorcycle, as a result of
which, she fell on the road and succumbed to the injuries.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner is in custody since 24-11-2018. Charge sheet has
already been submitted. The petitioner is not named in the FIR.
His named transpired in this case merely on the basis of



suspicion. There is no eye witness to the alleged occurrence. According to FIR, two persons on a motorcycle are alleged to have taken away the deceased with them.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R. On the basis of self-confession, his name has come in this case. The deceased was accompanied by a co-villager Puja Kumari who were going to visit Mela. The statement of the said Puja was recorded in paragraph 62 of the case diary, where she has categorically stated that it was the driver of the tempo who had thrown her out of tempo and had taken the deceased with him. There is a chance witness. The said witness in para-50 of the case diary has stated that the driver of the tempo is said to have thrown the girl out of tempo, which led to her death. The petitioner in his confession has also stated that he had thrown the girl out of his tempo.

Considering the nature of accusation and also the fact that death is said to have taken place due to the act committed by the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Rudrapur P.S. Case No. 83 of 2018 is rejected.

The trial court is directed to expedite the trial and



conclude the same, 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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