

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39834 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- RAJGIR District- Nalanda

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Ganesh Prasad @ Manoj Kumar, Son of Bangali Singh @ Ramashish Singh,
Resident of Village- Sobhanpur, P.S.- Kashichak, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-06-2019 Learned counsel filed vakalatnama on behalf of the informant. Let it be kept on record.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in Rajgir P.S. Case No.33 of 2019 registered under Sections 364, 120(B) of the IPC. Later on Section 302 of the IPC was added after recovery of dead body of the son of the informant.

The informant disclosed in his statement that on 27.01.2019 Sajan Kumar and Devraj @ Hari Don came to his house and took his son for installation of camera near Rajgir Bus Stand but his son Vikash Kumar did not return. The informant suspected that his nephews Ganesh Prasad (petitioner) and Dinesh Prasad with the help of Sajan Kumar and Devraj @ Hari Don kidnapped his son because his nephews have been cultivating his land for last ten years after



dispossessing the informant from the land.

Learned counsel for the petitioner submits that save and except suspicion there is no material against the petitioner. Sajan Kumar and Devraj @ Hari Don took the son of the informant. The petitioner was not accompanying Sajan Kumar and Devraj @ Hari Don. Sajan Kumar is said to have confessed his guilt and disclosed the name of petitioner that Sajan Kumar, Devraj @ Hari Don, Ganesh and Dinesh took the deceased Vikash Kumar to the hill of Rajgir. Hari pushed him down on the ground and Vikash Kumar was assaulted with big stone. The petitioner is not the assailant of Vikash Kumar, but it appears that Sajan Kumar confessed his guilt that the petitioner also conspired and kidnapped the deceased from Rajgir Bus Stand and Vikash Kumar was assaulted with big stone causing his death on the spot. In pursuance of the confessional statement of Sajan Kumar, the dead body was recovered.

Having considered the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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