

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21233 of 2020

Arising Out of PS. Case No.-401 Year-2019 Thana- HARNAUT District- Nalanda

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Anjani Kumar @ Tinku Kumar, son of Indrajeet Prasad, resident of Magadh Colony (Badi Pahadi), P.S. Sohsarai, District Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma

For the Opposite Party/s : Mr. Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 20-08-2020 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioner seeks regular bail in connection with Harnaut (Kalyanbigha) Police Station Case No. 401 of 2019, registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

The allegation against the petitioner is that the chowkidar, on the basis of information, recovered a dead body near a petrol pump. The petitioner is not named in the First Information Report and in course of investigation, it came to light that the petitioner was involved in the murder of the deceased.

Learned Counsel for the petitioner submits that the



petitioner is not named in the First Information Report and his named transpired on the basis of the Call Data Report of the petitioner, from which it came to light that the petitioner had talked with the deceased on the date of the occurrence. He further submits that the petitioner has falsely been implicated in this case on the basis of the confessional statement allegedly given by the petitioner. He also submits that the recovery of fire arm by the police at the identification of the petitioner is fabricated inasmuch as seizure list and the confessional statement were drawn on the same date and time.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that the petitioner, in his confessional statement, has accepted his involvement in the crime and on the basis of his identification in the confessional statement, the weapon of murder, i.e. the fire arm, has been recovered by the police from a bush.

After having heard learned Counsel for the parties and upon perusal of the confessional statement, it appears that the petitioner has given the vivid description of the crime and upon the identification of the petitioner in the confessional statement, the police has recovered the weapon of crime, I am not inclined



to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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