

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.21217 of 2020**

Arising Out of PS. Case No.-60 Year-2020 Thana- PANCHRUKHI District- Siwan

ASHOK KUMAR YADAV Son of Chandirka Yadav Resident of Village -  
Malahi Dih, P.S.- M.H. Nagar, Dist. Siwan. ... .. Petitioner  
Versus

THE STATE OF BIHAR ... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Prashant Kumar, Advocate  
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

3      21-08-2020                      Learned counsel for the petitioner undertakes to remove all the defects within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Pachrukhi P.S. Case No. 60 of 2020 registered for the offences punishable under Sections 302, 201, 120 B of the Indian Penal Code.

Learned counsel for the petitioner submits that the First Information Report was initially lodged alleging that the son of the informant had gone to village Malahi Dih to meet a girl whose mobile no. was 7782955126 and at about 10:00 P.M. he informed that he had already reached village Malahi Dih but thereafter his mobile went off. As per the First Information Report, the informant expressed her apprehension that her son has been abducted.

Learned counsel submits that in course of investigation



police has arrested this petitioner on 05.03.2020 while he was at his home and it is alleged that at his instance the dead body of the son of the informant has been recovered from a pond. It is, however, submitted by learned counsel for the petitioner that the whole allegation against the petitioner is false, concocted and baseless inasmuch as it would appear that in course of investigation it has come that the son of the informant had an alleged affair with the daughter of co-accused Jai Ram Yadav and that the deceased had gone to the house of said Jai Ram Yadav to meet the girl. The petitioner claims that he has no relationship with the co-accused Jai Ram Yadav and he is also not the owner of the mobile phone from which the call was made to the deceased.

It is submitted that only at later stage when the dead body was already recovered by police, a false case has been alleged against the petitioner saying that at his instance the dead body was recovered. It is further submitted that there is no eye-witness of the alleged occurrence.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that in course of investigation it has come that the son of the informant had gone to meet the daughter of the co-accused Jai Ram Yadav where he was surrounded by all the co-accused and because of the injuries suffered by him and due to drowning in the pond he died. It is submitted that this petitioner had identified the dead body and at his instance it was recovered.

Having regard to the facts and circumstances of the case wherein this Court has noticed that not only confessional statement of



the petitioner has been extracted by police rather at his instance recovery of dead body has been made. Learned counsel for the petitioner has though insisted that the Police has recorded the confessional statement of the petitioner only on 06.03.2020 therefore, the question of recovery of the dead body at his instance on 05.03.2020 does not arise, this Court is unable to accept the same as from the case diary it appears that the petitioner was arrested on 05.03.2020 and at his instance the dead body was recovered, he is a co-villager of Jai Ram Yadav and the investigation has revealed that he along with other co-accused had surrounded the deceased and had assaulted him whereafter he was thrown in the pond, this Court is not inclined to grant regular bail to the petitioner. The prayer for regular bail is refused.

Let the trial be expedited. Court below is directed to conduct the trial as early as possible.

The petitioner may renew his prayer for bail after couple of material witnesses are examined in this case.

This application stands dismissed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

