

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24442 of 2020

Arising Out of PS. Case No.-14 Year-2019 Thana- KHODAWANDPUR District- Begusarai

VIKASH KUMAR S/o Kamleshwari Yadav Resident of Village- Hathban,
P.S.- Alauli, Dist- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 03-12-2020 Heard Mr. Shubhesh Pandey, learned counsel for the

petitioner and Ms. Pushpa Sinha, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Khodawandpur P.S. Case No. 14 of 2019 registered for the
offence punishable under Section 364 of the Indian Penal Code
1860 but charge sheet has been submitted under Section
302/201 of the Indian Penal Code.

The allegation as per the First Information Report is
that on 27.01.2019 the informant received information that
Motorcycle of her husband Mangal Yadav and his cloths were
lying near the bank of river Budhi Gandak. Upon this
information, the petitioner reached the place of occurrence and
found articles of her husband, but he was traceless. The dead



body of her husband was subsequently recovered near the river.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. Learned counsel further submits that during course of investigation one Durgesh Kumar was interrogated by the Police and he disclosed the mobile no. 6201897057 which was being used by the petitioner for the purpose of conversation with the wife of the deceased and subsequently, the petitioner was interrogated by the Police on the basis of statement of Durgesh Kumar. The petitioner confessed his guilt before the Police and stated that he has killed the husband of the informant and has thrown the dead body in the river by pressing his neck. Learned counsel also submits that Police had suspicion that there was illicit relationship between wife of the deceased and the petitioner. Learned counsel next submits that from perusal of the postmortem report it would be evident that the deceased was killed by twisting his neck but in the confessional statement of the petitioner he has confessed that the deceased was killed by him by pressing his neck. Therefore, there is no corroboration between the statement of the petitioner and the postmortem report. The occurrence has taken place on 27.01.2019 and the SIM of Mobile No. 7549415306 was purchased by the petitioner



on 8.2.2019. The Police in order to save Durgesh Kumar, has falsely implicated the petitioner in the present matter.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that Durgesh Kumar has categorically stated that his Mobile phone was used by the petitioner, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for regular bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after nine months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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