

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28874 of 2020

Arising Out of PS. Case No.-267 Year-2019 Thana- ITARHI District- Buxar

MAHENDRA PRASAD GUPTA S/o Hema Sah Resident of Village-Diliya
Tola, P.S.-Dinara, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh, Advocate

For the Opposite Party/s : Dr. Mritunjay Kumar Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-12-2020 The learned counsel for the petitioner and learned A.P.P.
for the State Dr. Mritunjay Kumar Gautam were heard at length
day before yesterday and today the present case has been listed
'For Orders'.

The petitioner seeks regular bail in connection with Itrahi
P.S. Case No. 267 of 2019 for the offence punishable under
Sections 302, 201/34 of the Indian Penal Code and Section 27
of the Arms Act.

The case of the prosecution in brief is that on 03.12.2019
at about 7:30 A.M. in the morning, the informant who was then
posted as ASI at Itarhi Police Station, received information over
telephone that a dead body of a half burnt girl is lying near
Jawahari temple at village Kukudha whereafter the informant
had registered Sanha and had then left for the said place of



occurrence along with the police force and upon reaching there the informant found a burnt dead body of a female. It has also been stated that there was blood on the head and it appeared that gun shots have been fired on the head.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 11.12.2019. The learned counsel for the petitioner has further submitted that there is no material on record to connect the petitioner with the alleged crime, except his and his wife's confessional statement recorded by the police, which in any view of the matter has got no evidentiary value.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having considered the submissions of the learned counsel for the parties and having gone through the materials on record as also those available in the case diary, this Court finds that wife of the petitioner herein has confessed in her confessional statement recorded in paragraph no. 92 of the case diary that the petitioner and others had killed their daughter on account of them having become fed up with her and her activities, whereafter she was burnt in order to hide their crime. This Court



further finds that the C.D.R. of the mobile phone also points towards the complicity of the petitioner in the alleged crime. This Court upon perusal of the materials available in the case dairy is of the prima facie view that ample materials are available on record which suggests the complicity of the petitioner in the alleged crime, hence I do not find any merit in the present petition. Accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

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