

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24710 of 2020

Arising Out of PS. Case No.-813 Year-2019 Thana- TURKAULIYA District- East
Champaran

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Nitesh Kumar Tiwary @ Nitesh Kumar Tiwari, Son of Shri Ramnath Tiwari,
Resident of Village - Barwa, P.S. - Govindganj, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Ajay Kumar Thakur, Advocate
For the S t a t e	:	Smt. Sharda Kumari, APP
For the Informant	:	Mr. Rajesh Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-11-2020 Since as of now the Courts have not resumed

normal physical hearing, the matter has been listed today

for consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence.The Court Master and
Secretary are also part of this virtual Court proceedings
from their homes, all with the aid of audio visual
technology.

Smt. Sharda Kumari, learned APP is appearing
for the State as it is submitted that the brief has been allotted
to her by the office of Advocate General.

Heard Mr. Ajay Kumar Thakur, learned counsel
for the petitioner and the learned APP for the State as well



as Mr. Rajesh Ranjan, learned Counsel, who has appeared and opposed the prayer for bail on behalf of the informant.

The petitioner seeks bail in connection with Turkaulliya (Raghunathpur) P.S. Case No.813 of 2019 registered for the offence punishable under Sections 363 and 365 of the I.P.C., in which subsequently Sections 364A, 302, 201, 120B, 414, 35 of the I.P.C. were added. The case is pending in the court of the learned Chief Judicial Magistrate, East Champaran, Motihari.

The informant's son has left home for coaching never to return. His dead body was recovered from the ditch.

It is submitted by Mr. Thakur, learned counsel for the petitioner that there is no sufficient material to connect the petitioner with the recovery, as the petitioner's implication is based on confessional statement of co-accused, having no evidentiary value. Under such circumstances, he is in custody since 21.11.2019.

Learned APP for the State and Mr. Rajeev Ranjan, learned counsel for the informant have opposed the prayer. It is submitted that the dead body was recovered from the ditch. JCB Driver, who had dug the ditch, has stated about



the petitioner and co-accused paying for the job. Apart from that, material has come regarding demand of ransom from the informant.

Considering the rival submissions and having regard to the nature of allegations, this Court, for the present is not inclined to allow the petitioner's prayer for bail. The same is rejected.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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