

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25348 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- KHANPURA District- Samastipur

Manoj Paswan Son of Ram Sagar Paswan Resident of Village - Bhorejairam
(Vore Jay Ram), P.S.- Khanpur, District - Samastipur, Bihar, India

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Nath Kanth, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Rana Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 21-12-2020 This matter has been taken up in virtual Court proceeding.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 364/120B of the Indian Penal Code in connection with Khanpur P.S. Case No. 8 of 2020. Subsequently, offence under Section 302/201 of the Indian Penal Code was added.

According to FIR, co-accused Raju Kumar Sahani took the deceased from his house in presence of the informant. Near the shop of petitioner, the petitioner and his son Aman Kumar Paswan started assault against Chandan Kumar Sahani and thereafter Chandan Kumar Sahani was missing. The informant suspected that



Chandan was kidnapped for the purpose of murder. Some other witnesses have also supported the aforesaid allegation before the police. During investigation the petitioner and other co-accused confessed before the police and on their disclosure statement dead-body was recovered from the riverside.

Learned counsel for the petitioner submits that none of the witnesses appears to be eyewitness of the actual occurrence and confession before the police is no evidence. The petitioner is in custody since 04.02.2020. Investigation of the case is already complete. He further submits that the doctor who performed post mortem examination did not find any external injury.

Since the dead body was in the state of decomposition at the time of post mortem non-noticing of external injury was not a material lapse.

Considering other material on the record, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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