

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21036 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- DEO District- Aurangabad

MUNNA KUMAR @ MUNNA KUMAR SAW, Son of Shiv Narayan Saw,
Resident of Village- Rediya, P.S.- Aurangabad (Muffasil), District-
Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 20949 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- DEO District- Aurangabad

Sudhir Kumar Singh @ Sudhir Kumar, Son of Late Chandradeo Singh,
Resident of Village- Deosoti Muhalla, P.S.- Deo, District- Aurangabad
(BIHAR)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21036 of 2021)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Ms. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 20949 of 2021)

For the Petitioner/s : Mr. Dilip Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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

3 03-11-2021 With the consent of learned counsel for the parties,

both the applications have been taken up for consideration.

Learned counsel for the petitioners undertake to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.



Heard Mr. Y.C. Verma, learned Senior Counsel assisted by Ms. Leelawati Kumari, learned Advocate for the petitioner in Cr. Misc. No. 21036 of 2021 and Mr. Dilip Kumar Sinha, learned counsel for the petitioner in Cr. Misc. No. 20949 of 2021.

Ms. Asha Devi, learned A.P.P. for the State who is assigned with the brief is not present, however, in her absence Mr. Akhileshwar Dayal, learned A.P.P. has assisted this Court with the case diary which is available on the record.

Petitioners in both the cases are seeking regular bail in connection with Deo P.S. Case No. 126 of 2020 registered for the offence punishable under Section 302, 201 of the Indian Penal Code.

As per the First Information Report, the Chaukidar attached to Deo Police Station, Aurangabad found the dead body of a person while he was going to ease out in the morning on 27.11.2020. A Passion Pro motorcycle was also standing there. The dead body was of a unknown person and according to the Chaukidar some body had thrown the dead body in the bush with an intention to conceal the same.

Later on the dead body has been identified as that of one Bhim Kumar, Son of Jayram Saw of village Rediya.



Learned Senior Counsel for the petitioner in Cr. Misc. No. 21036 of 2021 has led the argument. It is submitted that the petitioner is not named in the First Information Report and in course of investigation it has transpired that there was a dispute between the family of the deceased and the co-accused Raja Ram Saw, both are co-sharers and said Raja Ram Saw had threatened that he would kill Bhim Kumar (deceased). The motive behind the alleged occurrence is said to be some relationship between the deceased and the wife of Raja Ram Saw.

Learned Senior Counsel submits that so far as this petitioner is concerned, he has been falsely implicated in this case and there is no cogent material to involve him in the present case. His confessional statement has been recorded in Police custody which is not admissible in evidence and Police has set up a false case that at the instance of this petitioner the mobile of the deceased has been recovered.

Mr.Dilip Kumar Sinha, learned counsel representing the petitioner in Cr. Misc. No. 20949 of 2021 has argued on the same line and has submitted that the name of the petitioner Sudhir Kumar Singh has transpired in the confessional statement of Munna Kumar (petitioner in Cr. Misc. No. 21036



of 2021) and except confessional statement there is no material against him.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has vehemently opposed the prayer for regular bail of both the petitioners. After going through the case diary it has been brought to the notice of this Court that in course of investigation it has come that on 25.11.2020 Bhim Kumar had left his house with his motorcycle and there is a witness saying that he was seen with these petitioners.

Learned A.P.P. has given much emphasis on the materials collected from the technical cell particularly the CDR of the mobile numbers owned and possessed by these two petitioners as well as the co-accused Raja Ram Saw and the deceased Bhim Kumar. A close analysis of the mobile calls as mentioned in paragraph '55', '56' and '57' of the case diary would show that the mobile phone locations of the petitioners and the co-accused as well as the deceased were on the same location namely Kamla Prasad Mouza Deo, Thana No. 899 from where the dead body has been recovered. Several repeated phone calls connecting these petitioners, the co-accused and the phone calls on the mobile of the deceased have also been found. The verification has been done with regard to the ownership of



the mobiles and the analysis of the CDR coupled with the fact that at the instance of the petitioner Munna Kumar the mobile phone of the deceased has been recovered (paragraph '66') as also that the co-accused Raja Ram Saw has still not surrendered, learned A.P.P. submits that this case is of strong circumstantial materials, considering the seriousness of the allegation in which a young person has been murdered with premeditation of mind, the petitioners do not deserve privilege of bail.

Having regard to the facts and circumstances of the case, as this Court has found that it is a case of murder of a young person and the case diary discloses some cogent materials as have been noticed by this Court hereinabove while recording the submission of learned A.P.P. and the scientific investigation reveals presence of the petitioners at the same place and location from where the dead body has been recovered and the presence of both the petitioners have been found there and then at the instance of these petitioners the mobile of the deceased has been recovered, one of the co-accused who is the own brother of the petitioner Munna Kumar has still not surrendered, this Court is not inclined to release the petitioners on bail. Their prayer for bail is, thus, refused.



Let the trial be expedited.

The applications, therefore, stand rejected.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

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'.

