

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24224 of 2021**

Arising Out of PS. Case No.-157 Year-2020 Thana- CHAND District- Kaimur (Bhabua)

Bhorik Bind Son of Late Makar Bind Resident of Village - Baheria, P.S.
Chand, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 22-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chand P.S. Case No. 157 of 2020 dated 21.11.2020 instituted for
the offences under Sections 364, 302, 201 and 120B of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 24.11.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant in the F.I.R. alleges that on 20.11.2020 at 5.00 pm she
had gone to perform Chhath festival at village ghat leaving
behind her daughter Rinki Kumari and son at home. At about
9.00 pm her daughter raised alarm that named accused persons



including the petitioner were dragging her father away and after some time her son Brajesh Kumar came running to her and narrated the incident, on which the informant along with her son rushed to her home and then went looking for her husband around the house of the accused but nothing could be known of him. It is further alleged that the whole night they unsuccessfully searched her husband and on 21.11.2020 at 6.15 am they found the dead body of the husband of the informant on the land of Shivmuni Bind with his heads and legs tied up and serious injury on forehead and also a black mark on the neck. Accordingly, it was alleged that the named accused persons killed the deceased owing to previous land dispute by some sharp-edged weapon and had thrown the body in the field.

Learned counsel for the petitioner submits that no one has seen the occurrence rather the allegation is that the informant was informed by her daughter that her father is being dragged and the daughter during the course of investigation has stated that she also came to know that these named accused persons were dragging her father, as such the learned counsel submits that the daughter is not an eye-witness to the dragging of her father by the named accused persons.

Learned A.P.P. for the State vehemently opposes the



prayer for regular bail of the petitioner and submits that at paragraph '28' of the case diary, the statement of Brajesh Kumar, son of the deceased, has been recorded who has stated that he had seen the petitioner along with the named accused persons dragging his father and he disclosed the same to his sister who in turn disclosed it to the mother i.e. the informant. Learned A.P.P. further submits that the children would never falsely implicate someone who has not committed the occurrence of killing of their father.

Considering the fact that the petitioners are named in the F.I.R. and the son and the daughter of the informant have supported the prosecution case, the Court is not inclined to grant bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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