

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17994 of 2020

Arising Out of PS. Case No.-166 Year-2018 Thana- RUPASPUR District- Patna

RAKESH KUMAR Son of Late Ramji Prasad Resident of Village - Badiha,
P.S. Nagar Nausha District - Nalanda, at present residing at 1400, 15 BA,
Pachhmi Laxminagar Khemnichak, P.S. - Ramkrishna Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jay Ram Prasad, Adv
For the Opposite Party/s	:	Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 06-04-2021 Heard learned counsel for the parties.

Petitioner seeks bail in connection with Rupaspur P.S.
Case No. 166 of 2018 for the offence punishable under section
302 of the Indian Penal Code.

Informant in his written report has alleged that on
26.04.2018 at about 7:30 when he was on patrolling duty, he
received information that on Jalalpur Canal and in between
house of Arun Manjhi and Railway Line a dead body is lying.
After receiving such information when he reached the aforesaid
place, he found the dead body of old man aged about 50 years
lying in the field whose face was crushed badly and blood was
oozing out. He tried to ascertain the identity of deceased but he
got no information.



Learned counsel for the petitioner submits that petitioner has committed no offence and has been falsely implicated in this case on mere suspicion as the wife of the deceased stated that her deceased husband had gone with petitioner and thereafter he was found dead. Learned counsel for the petitioner submits that petitioner is not named in the FIR. Petitioner is in custody since 12.12.2019.

Considering the fact that wife of deceased in her written complaint has alleged that petitioner took away her husband on 25.04.2018 for registration of land for which payment was made and thereafter he was never seen and was found crushed to death on 26.04.2018 and when the wife tried to communicate with petitioner he did not talk to her. In such view of the matter, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that petitioner would be at liberty to renew his prayer for bail after framing of charge.

(S. Kumar, J)

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