

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30409 of 2021

Arising Out of PS. Case No.-498 Year-2020 Thana- BETTIAH CITY District- West
Champaran

=====

Brijesh Kumar Son of Shri Lalbabu Sah Resident of Village - Utar Vari
Pokhara, Fulwari Ward no.- 6, P.S.- Bettiah Nagar, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur Ms. Vaishnavi Singh
For the Opposite Party/s :		Mr. Akhileshwar Kumar Srivastava Mr. Ajay Kumar No. 2

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-10-2021 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor for the State.

The petitioner seeks regular bail in Bettiah Town
Police Station Case No. 498 of 2020 registered for the offences
punishable under sections 364, 302/120B and other allied
sections of the Indian Penal Code.

As per the prosecution case, on 18.8.2020 at about
7.30 pm the informant and her son aged about 17 years was
going towards station Chawk to purchase Pizza after closing the
shop and when they reached near Hero Service Center at Kamal
Nath Nagar Chawk, the petitioner and other accused persons
surrounded them and started assaulting informant's son. They
forcibly dragged him and took him away on motorcycle and on



the next day at 1:30 AM his dead body was recovered with multiple injuries. The informant further alleged that prior to the occurrence, accused persons had demanded *rangdari* from her son.

Counsel for the petitioner submits that as a matter of fact, no occurrence, as alleged in the F.I.R., has taken place, which is evident from the fact that the alleged occurrence of kidnapping took place at 7:30 PM on 18.08.2020, dead-body of deceased was found at 1:30 AM on 19.08.2020, post-mortem examination was done at 9:00 AM on 19.08.2020, but the F.I.R. was lodged at 11:00 AM on 19.08.2020 and as such, the F.I.R. has been lodged after due deliberation and thought. He further submits that prior to the occurrence, an F.I.R., vide Bettiah Town Police Station Case No. 38 of 2020, was lodged against the son of the informant (deceased) and others and the present case is counter blast of the said case. Petitioner is in custody since 29.08.2020.

However, counsel for the informant opposed the bail petition and submitted that petitioner is named in the FIR with specific allegation that he on the point of pistol abducted the son of the informant and on the next day, dead body of informant's son was recovered with multiple injuries which fact is also



supported by the *post-mortem* report wherein the doctor opined that the deceased had sustained as many as 84 injuries on his body. It is further submitted that the bail petition of similarly situated co-accused Dinesh Kumar has already been rejected by this Court, vide order dated 13.04.2021 passed in Cr.Misc. No. 1066 of 2021.

Considering the nature and gravity of the offence, the bail petition of petitioner is rejected.

(Prabhat Kumar Singh, J.)

anay

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

