

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31073 of 2020

Arising Out of PS. Case No.-257 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

Priyatam Kumar Mishra @ Priyatam Mishra @ Priyatam Mishra (M), aged about 25 years, Son of Ashok Kumar Mishra @ Ashok Mishra, Resident of Village Durgasthan Chainpur, P.S. Bangaon, District Saharsa, at present Field Engineer, Rapid Tech IT Services Pvt. Ltd., Siwan, C/o Ram Chandra Prasad Ka Makan, Near Malviya Nagar Chowk, P.S. Mahadeva, District Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mrs. Rashmi Jha, Advocate
For the State	:	Mrs. Shaheen Begum, APP
For the Informant	:	Mr. Niraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-03-2021 Heard Mrs. Rashmi Jha, the learned counsel for the petitioner, Mrs. Shaheen Begum, the learned Additional P.P. and Mr. Niraj Kumar, the learned counsel appearing on behalf of the informant.

The petitioner seeks bail in Siwan Muffasil (Mahadeva O.P.) P.S. Case No.257 of 2020, registered under Sections 302, 120(B) and 34 of the Indian Penal Code.

The informant, Ramesh Kumar Singh, the father of the deceased, alleged that Priyatam Kumar Mishra, the petitioner called him on his telephone and informed that his son, Harshit Kumar Singh was no more. On inquiry, the petitioner is said to have disclosed that on 10.06.2020, a party was going on



inside his room and his room partner, Prasoon Pankaj, Harshit Kumar Singh and the petitioner were enjoying the party. They were taking liquor, but some verbal altercation took place between Prasoon Pankaj, the Income Tax Inspector and Harshit Kumar Singh, the deceased. Prasoon Pankaj called his 3-4 friends and brutally assaulted Harshit Kumar Singh with sharp edged weapon, cover of cooker and wooden stick. Harshit Kumar Singh after having been assaulted became unconscious. Prasoon Pankaj was naming Mandal and Tiwary and he was instigating them to assault Harshit Kumar Singh.

Mrs. Rashmi Jha, the learned counsel for the petitioner submits that it is true that the occurrence took place inside the room of the petitioner. Prasoon Pankaj was also residing in the same house. Harshit Kumar Singh was called to participate in the party, but it was the petitioner who informed the police and the father of the deceased about the incident. When the police came, the petitioner was found inside his room. Had the petitioner assaulted the deceased, the petitioner would have fled away from the room in the same manner as his room partner, Prasoon Pankaj fled away with his goons who assaulted the deceased. It is further submitted that the police is not even arresting Prasoon Pankaj and his friends who had assaulted the



deceased only because Prasoon Pankaj is holding the post of Inspector of Income Tax. It is further submitted that in the FIR, the police mentioned the time of information as 02.30 P.M. on 12.06.2020, but the inquest was prepared on 11.06.2020 and this fact shows that the police is concealing the material aspect of the case, but from perusal of the FIR and the case diary, it appears that the petitioner had taken the room on rent. The police got information from other sources and not from the petitioner. The informant, father of the deceased, categorically stated that it was the petitioner who informed him about the killing of his son. Admittedly the dead body was recovered inside the room of the petitioner and only the petitioner was found present. The deceased was brutally assaulted and he died of such injuries and assault.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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