

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27966 of 2020**

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

PRASOON PANKAJ @ PARSUN PANKAJ Son of Kedar Nath Thakur
Resident of Village- Barail, P.S. and District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate

For the Opposite Party/s : Mr. A.M.P. Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 13-04-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 17.10.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Siwan (M) (Mahadeva O.P) P.S. Case No. 257 of 2020, registered under Section 302 and 120(B)/34 of the Indian Penal Code, pending in the court of the learned Chief Judicial Magistrate, Siwan.

The accusation is that on 11.06.2020 at about 5.30 P.M. Pritam Kumar Mishra talked through his mobile no. 7004524029 to informant Ramesh Kumar Singh on his mobile



no. 9431595514 and informed that his son Harshit Kumar Singh is no more. Then informant made query, on which Pritam Kumar Mishra informed that on 10.06.2020, in the night, there was party in his flat in which his room-partner Prasoon Pankaj (Petitioner), Income Tax Officer, and Harshit Kumar Singh were participated and arrangement of liquor was made by Prasoon Pankaj (Petitioner) in the said party. In drunken state, hot talks exchanged in between petitioner and Harshit Kumar Singh. Thereafter, Prasoon Pankaj (Petitioner) called his 3 to 4 associates, who came and assaulted to Harshit Kumar Singh and moved from there, locking the room. At that time, Prasoon Pankaj (Petitioner) used to talk his friends denoting their names Mandal and Tiwari. In the morning, Prasoon Pankaj (petitioner) came there with compounder, who gave primary treatment to Harshit Kumar Singh, but he was in restless condition and after first aid, Harshit Kumar Singh slept and he was watching to him, but Prasoon Pankaj (Petitioner) moved from there with household articles. In the evening, he came to know that Harshit Kumar Singh is no more.

Learned counsel appearing on behalf of petitioner submits that, in fact, in same flat petitioner and Pritam Kumar Mishra used to reside in separate rooms. It would appear from paragraph-2 of the case diary that the dead body was recovered from the room of Pritam Kumar Mishra and Pritam



Kumar Mishra was apprehended from there. Further submission is that, in fact, the petitioner was not at the rented room in the night of occurrence, but Pritam Kumar Mishra implicated the petitioner in his exculpatory statement.

On the other hand, Sri A.M.P. Mehta, learned A.P.P. appearing for State opposed the prayer for pre-arrest bail of the petitioner with submission that the dead body was found in the flat, where petitioner and Pritam Kumar Mishra were residing on rent and in Postmortem examination, two incised wound, one on scapular region and other on occipital region were found.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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