

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35326 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- BASANHI District- Saharsa

1. Santosh Kumar Nirala, aged about 42 years, Gender- Male, Son of Late Chhedi Mehta , and
2. Himmat Kumar, aged about 20 years, Gender – Male, Son of Santosh Kumar Nirala,
Both are the permanent residents of Village + P.S.- Pasraha, District - Khagaria and currently residing in Village - Agama, P.S.- Basnahi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 02-02-2021 Heard Mr. Pramod Kumar Mishra, learned counsel for

the petitioners and Mr. Nand Kishore Prasad, learned Additional

Public Prosecutor appearing for the State.

Petitioners seek regular bail in connection with

Basnahi P.S. Case No. 51 of 2020 registered for the offence

under Sections 302, 120 (B) of the I.P.C. and Section 27 of the

Arms Act.

The allegation as per the First Information Report is

that petitioners in criminal conspiracy killed the son of the

informant and while they were carrying the dead body on a

motorcycle for disposing the same were apprehended by the

Police along with the motorcycle.

Learned counsel for the petitioners submits that

petitioners have falsely been implicated in this case on the basis

of suspicion only because a sum of Rs. 5 Lakhs was given by

the deceased to petitioner no. 1 as loan. Learned counsel next



submits that the petitioner no. 2 has merely been implicated in this case on the basis of the fact that he happens to be the son of petitioner no.- 1. Learned counsel next submits that there is no eye witness to the occurrence.

On the other hand, learned counsel for the State referring to the case diary submits that petitioners were caught red handed along with the dead body having bullet injuries in chest by the Police while they were carrying the dead body on the motorcycle for the purpose of disposing it secretly.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the nature of allegation and the materials collected during the course of investigation, I am not inclined to extend the privilege of regular bail to the petitioners at this stage.

Accordingly, the same is rejected.

However, the petitioners may renew their prayer for regular bail after completion of 01 year from today, if the trial does not record any progress.

praful/-

(Anil Kumar Sinha, J)

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