

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38092 of 2020

Arising Out of PS. Case No.-42 Year-2020 Thana- NALANDA District- Nalanda

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SAURABH KUMAR SON OF SHRI MAHESH PRASAD RESIDENT OF
VILLAGE - SAREN, P.S. - BATHANI, DISTRICT - GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mr. Udbhav, Advocates.
For the State	:	Mr. Nawal Kishore Prasad, APP
For the Informant	:	Ms. Sujata Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-03-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. Nawal Kishore Prasad, Additional Public Prosecutor for the State and Ms. Sujata Sinha, learned counsel representing the informant.

2. Petitioner seeks regular bail in connection with Nalanda PS Case No. 42/2020 registered for the offence punishable under Sections 363, 365 of the IPC, subsequently, Sections 302, 201 and 120(B) IPC were also added and the charge-sheet was submitted under Sections 364, 302, 201, 120(B)/34 of the IPC and Sections 3(s)(v) of the SC/ST Act.

3. The allegation, as per First Information Report, is that son of informant, namely, Nitish Kumar @ Jitesh Kumar left his house on 02.04.2020 at about 3:00 PM to get medicines from Biharsharif on his motorcycle bearing BR-01BN-7726 and



did not return. The informant has raised an apprehension that some untoward incident has taken place against his son. The dead body of the deceased was found after two days and during course of investigation, petitioner along with other persons have been made accused in this case.

4. Learned counsel for the petitioner submits that the petitioner has been dragged in this case during course of investigation inasmuch as about two years ago, son of the informant had brought the daughter/sister of the accused persons and there was love affair between them and due to that very incident, the petitioner has been implicated in this case. Learned counsel further submits that petitioner has been made accused on the basis of confessional statement of a girl with whom, the deceased was in love and the present petitioner is brother of that girl. Learned counsel next submits that petitioner is in custody since 14.04.2020

5. On the other hand, learned counsel representing the State and informant vehemently opposed the prayer for bail of the petitioner and referring to the case diary submit that during course of investigation, it has been revealed by the sister of the petitioner that she was under live-in relationship with the deceased boy which was not to the liking of the petitioner and



his father and accordingly, a conspiracy was hatched and the petitioner was called from the cell-phone in the village and the petitioner, his father along with uncle (*Mama*) have killed the deceased and concealed the motorcycle of the deceased behind their house. Learned counsel further submits that the dead body of the deceased was recovered from a well situated in the village of the accused persons and the motorcycle of the deceased was also recovered from behind the house of the petitioner for which a separate FIR was lodged.

6. Having regard to the submissions made by the parties and taking into consideration the nature of the allegation, I am not inclined to grant regular bail to the petitioner. The same is, hereby, rejected.

7. However, petitioner, if so advised, may renew his prayer for bail after one year from today, if the trial does not record any progress.

(Anil Kumar Sinha, J)

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