

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2199 of 2021**

Arising Out of PS. Case No.-22 Year-2020 Thana- KALER District- Jehanabad

Janamejay Kumar @ Rudal Kumar @ Rudal Yadav S/O Sanjay Singh
Resident Of Village - Hichhan Bigha, P.S. - Daudnagar, District - Aurangabad
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s	:	Mr. Madhuri Lata, APP
for the Informant	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-07-2021 Heard learned Senior Counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

The sole petitioner, in the present case, is seeking regular bail in connection with Kaler P.S. Case No. 22 of 2020 registered for the offence under Section 302 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that on perusal of the First Information Report it would appear that the named accused Abhishek Kumar had come on motorcycle in the house of the informant and taken away his son Munmun Kumar. The informant was given to understand that they will return soon, but thereafter his son did not return and he got message that dead body of his son was lying in the chart of the



road towards Banglappar.

Learned Senior Counsel submits that name of the petitioner has transpired on mere suspicion and save and except suspicion there is no material to connect him with the present case. According to the petitioner, he has three criminal antecedents, out of which in one case he has been acquitted.

On the other hand, learned counsel for the informant submits that the police has done some scientific investigation in this case, the CDR of the mobile phones of the co-accused Abhishek Kumar, this petitioner and co-accused Uma Shankar have been obtained. It has been found that from the evening of the alleged date of occurrence this petitioner was in consistent touch with Abhishek and the tower location of the phones were in the same area where the alleged occurrence has taken place.

Learned A.P.P. for the State has endorsed the submission of learned counsel for the informant. She has taken this court through the observations of the learned Sessions Judge in the impugned order wherein the learned Sessions Judge has recorded about the materials in form of call details etc. and the criminal antecedents of the petitioner. Learned counsel for the informant has submitted that this petitioner has got at least five cases against him and all of them are of serious nature, he is



said to be a dreaded criminal who is involved in the kind of unlawful acts.

Considering the facts and circumstances of the case, although learned Senior Counsel for the petitioner has submitted that co-accused Uma Shankar has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 38288/2020, however this court is not persuaded to treat the case of the present petitioner on equal footing with that of the co-accused Uma Shankar. A perusal of the order dated 08.02.2021 passed by learned coordinate Bench of this Court in Cr. Misc. No. 38288/2020 shows that in the said case the co-accused had no criminal antecedent and the learned court was not informed of the materials collected in form of the mobile connections which has transpired in the case of the present petitioner, this being a distinguishing feature of the present case, this court is not persuaded to enlarge the petitioner on bail

This application is dismissed.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

