

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1066 of 2021

Arising Out of PS. Case No.-498 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Dinesh Kumar Son Of Lalbabu Sah Resident Of Village- Uttarwari Pokhra
(MJK Nagar), P.S.- Bettiah Town, District- West Champaran

... .. Petitione

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr.P.K.Shahi, Senior Advocate and Mr. Pranav Kumar Jha, Advocate
For the State	:	Mr.A.G
For the informant	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-04-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner, the State and
the informant.

The petitioner seeks regular bail in Bettiah Town
Police Station Case No. 498 of 2020 registered for the offences
punishable under sections 364, 302/120B and other allied
sections of the Indian Penal Code.

As per the prosecution case, on 18.8.2020 at about
7.30 pm the informant and her son aged about 17 years was
going towards station Chawk to purchase Pizza after closing the
shop and when they reached near Hero Service Center at Kamal
Nath Nagar Chawk, the petitioner and other accused persons



surrounded them and started assaulting informant's son. They forcibly dragged him and took him away on motorcycle which was driven by this petitioner and on the next day at 1.30 am his dead body was recovered with multiple injuries. The informant further alleged that prior to the occurrence, accused persons had demanded rangdari from her son.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to previous enmity. He submits that prior to the occurrence, this petitioner had lodged Bettiah Town Police Station Case No. 38 of 2020 against the son of the informant (deceased) and others. It is further submitted that as per the FIR, there is general and omnibus allegation of assault against the petitioner. Besides this, the petitioner is only alleged to be driving the motorcycle on which deceased was forcibly seated at the time of kidnapping him. It is further submitted that during course of investigation several independent witnesses have been examined and they have clearly stated that this petitioner was not one of the persons who was seen at the time of occurrence. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 20.8.2020.

Learned counsel for the informant opposes the prayer



for bail. He submits that this petitioner has been named in the FIR with specific allegation that he was driving the motorcycle on which son of the informant had been forcibly seated and next day his dead body was recovered with multiple injuries which fact is also supported by the post mortem report which opines that the deceased had sustained as many as 84 injuries on his body. Moreover, several witnesses have also supported the prosecution case during course of investigation.

Considering the facts and circumstances of the case and the fact that the petitioner has been named by the informant in the FIR, being eye witness of the occurrence, with allegation that in fact it was the petitioner who was driving the motorcycle on which son of the informant had been kidnapped and next date his dead body had been recovered, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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