

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7328 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

Amitabh Bachchan Bharati, Son of Manbodh Ram, Resident of Village -
Belaury, P.S. - Mohania, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Rajani Kant Pandey, Advocate
For the S t a t e	:	Mr. Damodar Prasad Tiwary, APP
For the Informant	:	Mr. Umesh Kumar, & Mr Abhishek Anand, Advocates

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 20-07-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State as well as the learned counsel for the
informant.

The petitioner seeks bail in connection with Mohania
P.S. Case No.268 of 2020 initially registered for the offence
punishable under Section 365 of the Indian Penal Code, in
which subsequently, Sections 302, 201 and 34 of the I.P.C. were



also added. The case is pending in the court of the learned Chief Judicial Magistrate, Kaimur at Bhabua.

The informant, as per prosecution case, has stated that her son had gone to Patna More on 02.09.2020, but did not return. He raised suspicion that some unknown criminals have kidnapped the victim.

The counsel for the petitioner submits that the petitioner has falsely been implicated. The entire case has been developed after recovery of the dead body on 10.09.2020. Other than self-confessional statement of the petitioner, there is no material to show that the petitioner has any connection with the alleged occurrence. It is submitted that other similarly situated co-accused, namely, Prabhat Kumar @ Sonu @ Langra and Chhotu Gupta @ Chhotelal Sah @ Chhotulal Sah, have already been allowed bail in Cr.Misc. No.9494 of 2021 vide order dated 13.07.2021 and Cr.Misc. No.2353 of 2021, vide order 09.04.2021, respectively.

Referring to the materials in the case diary, the learned APP submits that the mobile phone of the victim (deceased) has been recovered from the petitioner, based on the statement of the petitioner. The petitioner therefore cannot claim parity with the two other co-accused persons.



Considering the rival submissions and the materials collected in course of the investigation, this Court is not inclined to allow the petitioner’s prayer for bail. The same is rejected.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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