

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2628 of 2022

Arising Out of PS. Case No.-718 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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SUBASH KUMAR @ SUBASH KUMAR SHARMA S/O LATE RAM
CHANDAR SHARMA R/o Mohalla- Akharaghat Bandh Road, P.S.- Town,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Opposite Party/s : Ms. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201 and 120(B) of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 23.09.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that his brother was staying in Delhi and his
wife was having an illicit relationship with the petitioner, further
his brother's wife had called his brother from Delhi, but he was
missing for 5-6 days, further on 18.09.2021 at around 8:00 pm,



the rental house of the brother of the informant was set ablaze, accordingly the police was informed by neighbours, the police came and sent the body for postmortem as unknown dead body. It is next alleged that the dead body was cut into pieces and the informant identified his brother through his face and thus alleges that the accused persons, including the petitioner, killed his brother.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the informant is not an eyewitness to the occurrence and based on suspicion, the present F.I.R. has been instituted against the accused persons on the allegation that this petitioner was having illicit relationship with the wife of the deceased when there is no material in the case diary to connect the petitioner with the offence. It is next submitted that the deceased was himself a criminal and as such he was staying in Delhi in hiding and when he came back to his home, it appears that his enemies killed him and the petitioner along with other accused persons came to be implicated.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that during the course of investigation, this aspect was also investigated



whether the petitioner was having an illicit relationship with the wife of the deceased or not and it was found after the investigation of the CDR that they used to talk. It is next submitted that even the neighbour of the deceased, Guddu Sahani at paragraph '11' of the case diary had also stated before the police that the petitioner used to visit the wife of the deceased in his absence, it is next submitted that based on confessional statement of the petitioner, the clothes of the deceased was recovered.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to grant bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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