

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4742 of 2022

Arising Out of PS. Case No.-124 Year-2020 Thana- BARGAINIA District- Sitamarhi

RAHUL THAKUR SON OF VIRENDRA KUMAR @ BIRENDRA
THAKUR RESIDENT OF VILLAGE- PACHTA KI RAM, WARD NO. 3,
P.S. BAIRGANIA, DISTRICT SITAMARHI-843313

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State as

well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bairgania
P.S. Case No. 124 of 2020 registered for the offence under
Sections 302/201/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.07.2020.

The allegation against the petitioner is to commit the
murder of father of the informant.

Learned counsel appearing on behalf of the petitioner



submitted that save and except confessions nothing surfaced during course of the investigation, which may connect the petitioner, *prima-facie*, with the present set of occurrence. It is submitted that as the petitioner was “last seen” along with deceased, which is only a prime reason of suspicion for implication of the petitioner in the present case. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 3275 of 2021 dated 05.04.2021. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that deceased was in illicit relation with mother of the petitioner. It is also submitted that in furtherance of confessional statement, blood stained clothes were recovered from his possession and also the weapons, which was alleged to be used in murder. Learned counsel for the informant submitted that trial of this case is fag end, where, out of 06 charge-sheeted witnesses, 05



charge-sheeted witness have already been examined.

In view of the submissions, as made above, as blood stained cloth and weapons of murder were recovered in furtherance of the confessional statement of petitioner, coupled with the fact that trial almost concluded, where, one witness is remain to be examined, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within 03 (three) months from the date of receipt of a copy of this order.

Superintendent of Police, Sitamarhi, is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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