

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15484 of 2021

Arising Out of PS. Case No.-298 Year-2019 Thana- NARDIGANJ District- Nawada

MURARI KUMAR Son of Shital Prasad Resident of Village- Kahuyara, P.S.-
Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Deepak Kumar
For the Opposite Party/s :	Mr. Birendra Kumar
	Mr. Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 03-03-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State, assisted by learned counsel for the

informant.

The petitioner apprehends his arrest for the

offences alleged under Section 365/34 of the Indian Penal Code

and later on Sections 302, 201 and 120(B) of the IPC was

added, registered in connection with Nardiganj P.S. Case No. 298

of 2019.

Muneshwari Devi, the informant has mentioned in

the FIR that her son Awadhesh Kumar (deceased) asked the



informant to prepare tea till he comes. Thereafter, he became traceless. Even his mobile phone was switched off. The informant expressed suspicion on five named accused persons that they, after kidnapping her son, had concealed him somewhere else. After recovery of the dead-body of Awadhesh Kumar, Sections 302, 201 and 120(B) of the IPC were added.

The learned counsel for the petitioner has submitted that the petitioner is not among the five named accused persons on whom suspicion has been made. He has further submitted that during the course of investigation, it emerged that the deceased Awadhesh Kumar had illicit relation with Pratima Devi, the wife of co-accused Mukesh Prasad. He has next submitted that the statement of Pratima Devi was recorded in paragraph no. 31 of the case diary. In her statement, she has stated that on the fateful day she had some conversation with the deceased and she saw the deceased along with the accused persons including the present petitioner at 5 o'clock in the evening.

The learned counsel for the informant has submitted that Pratima Devi in her statement recorded in paragraph no. 31 of the case diary, has admitted her relationship with the deceased. In her statement, she has stated that she saw the



deceased along with co-accused Ramadhin Prasad, the present petitioner, Murari Kumar, co-accused Mithun Kumar and some other persons near Devi Mandir. It is also submitted that prior to the occurrence, the accused persons have also assaulted the deceased.

The statement of Pratima Devi is explicit. She had seen the deceased in the company of the accused persons including the present petitioner, soon before he became traceless.

The investigation is going on. As such, it is not a fit case for anticipatory bail. The prayer for anticipatory bail on behalf of the petitioner is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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