

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6598 of 2022**

Arising Out of PS. Case No.-293 Year-2021 Thana- BAKHARI District- Begusarai

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Bikram Kumar Son of Shri Girish Mahto @ Girish Kumar Resident of  
Village- Chamrahi, P.S.- Bakhri (Parihara O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. N.K. Agrawal, Sr. Advocate  |
|                      | : | Mr. Vijay Anand, Advocate       |
|                      | : | Mr. Kumar Rajdeep, Advocate     |
| For the State        | : | Mr. Akbar Ali, APP              |
| For the Informant    | : | Mr. Pritish Kumar Lal, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      11-10-2022                      Heard learned senior counsel appearing on behalf of  
  
the petitioner, learned APP appearing on behalf of the State and  
  
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 Bakhri  
  
(Parihara O.P.) P.S. Case No. 293 of 2021 registered for the  
  
offence under Sections 363 and 365 of the Indian Penal Code  
  
and, later on, Sections 302, 201 and 326(A) of the Indian Penal  
  
Code were added subsequently.

The accused/petitioner is not named in the F.I.R. and  
  
is in custody since 23.10.2021.

The allegation against the petitioner is to kidnap two



minor sons of the informant, aged about 10 years and 7 years and further to commit their murder due to long standing land dispute.

Learned senior counsel, Mr. N.K. Agrawal, appearing on behalf of the petitioner submitted that except last seen, no incriminating material available against this petitioner. It is submitted that, even, the allegation of last seen is also disputed, as, prior to this petitioner, both the victims were seen together with Aruna Devi, who is the mother of co-accused, namely, Nandan Mahto. It is further submitted that the statement of witness, namely, Savita Devi, as recorded u/s 164 of the Cr.P.C., is also an improved version of her statement, *qua* recorded u/s 161 of the Cr.P.C., to overcome the issue of identification of petitioner as well as deceased sons of the informant. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, Mr. Pritish Kumar Lal, while opposing the prayer of bail, submitted that Sarita Devi is the eye witness of the fact that both the minor victims were last seen with this petitioner on 16.10.2021 going towards Gandak river on motorcycle at 3:00



pm, where dead body was recovered from the bed of the Gandak river on next day at about 10-11 am on search by parents. It is submitted that Sarita Devi is an independent witness, who is the resident of different village and her identification is well explained, as regard to petitioner and both the deceased sons of the informant, as per her statement recorded u/s 164 of the Cr.P.C. It is submitted that death of both the sons of the informant was unnatural and was caused due to acid burn, as per post mortem report.

In view of the facts and circumstances, as mentioned above, as petitioner was found together with the two minor sons of the informant near the place of occurrence, on last occasion, as per version of eye witness, namely, Savita Devi, duly supported through her statement recorded u/s 164 of the Cr.P.C., where cause of death is unnatural due to acid burn, as per post mortem report, this Court is not inclined to grant bail to the petitioner, for the present.

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

However, the learned Trial Court is directed to conclude the trial within a period of nine (09) months from the date of receipt of this order, by taking the matter on board, on



day to day basis, for expeditious disposal of trial, if so required.

Superintendent of Police, Begusarai is directed to produce the chargesheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within the aforesaid time period, as directed above.

**(Chandra Shekhar Jha, J)**

Ankit/-

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