

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8923 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- MANSURCHAK District- Begusarai

Mithun Paswan Son of Late Ram Balak Paswan Resident of Village-
Haruchak, P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad, Advocate.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-07-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mansoorchak P.S. Case No. 55 of 2021 lodged under Sections
302, 201/34 of the Indian Penal Code.

The prosecution case is that on 16.05.2021 at about
7:30 PM the son of informant left his house on his motorcycle to
do videography in a marriage function, but he did not return till
late night. On the next day the dead body of his son was found
in village Alapur Rahi Chour by strangulating his neck. Some
unknown persons had strangulated the neck of the informant
son, his two SIM Nos. and mobile was also missing. F.I.R. has



been filed against unknown. The case diary has been called for in this case.

Learned counsel for the petitioner submits that the petitioner is innocent and he is not named in the F.I.R. He further submits that the name of the petitioner is figured in this case by the confessional statement of co-accused Nitin Kumar and Gaurav Kumar whereas the Nitin Kumar was granted bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 63322 of 2021 in this case. He further submits that the petitioner is in custody since 08.09.2021 and charge sheet has already been filed in this case and his criminal antecedent is clean, therefore, bail may be granted to him. Learned APP after perusal of the case diary submits that the name of the petitioner has figured in this case by virtue of the confessional statement of Nitin Kumar and Gaurav Kumar but it is true that in their confessional statements all the accused persons including the petitioner accepted that murder of the deceased have been made by strangulating their neck by Gamchha.

Learned APP further submits that mode of killing is fully supported by the post-mortem report where cause of death has been opined by the doctor as death by strangulation. Learned APP further submits that not only that the motorcycle



of deceased was also recovered from the place where the petitioner and other accused persons have described in paragraph 65, post-mortem report in paragraph 110 and confessional statement in paragraph 30, 32, 33, 60 and 70. He also submits that a supplementary charge sheet has also been filed in this case under Section 302, 201 and 34 of the Indian Penal Code.

In the present facts and circumstances of this case and the submissions made by the parties. I am of the opinion that the confessional statement of the petitioner and other co-accused are fully support the findings of the doctor as well as the motorcycle of the deceased was also recovered on the place where they identified and described in their statement, in this view of the matter, the bail petition of the present petitioner is rejected at present. The Trial Court is directed to conclude the trial within one year.

(Dr. Anshuman, J.)

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