

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21809 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Bihari Singh, Son of Late Bambam Singh, Resident of Village- Hemra, P.S.-
Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

11 18-05-2022 The applicant/accused in Crime No. 113 of 2020

registered with Muffasil Police Station for the offences

punishable under Sections 364, 302 and 201 r/w Section 34 of

the Indian Penal Code as well as Section 27 of the Arms Act, by

this application is seeking his release on bail during pendency of

the trial.

Heard the learned counsel appearing for the

applicant/accused. He argued that there is no eye witness to the

subject crime. It is further argued that the applicant is resident

of village Hemra and it is not understood as to how landlady

named Rita Devi who is resident of Badi Adhu is knowing the

applicant. Therefore, her statement cannot be relied at

this stage to infer that the applicant had taken away the victim



with him. It is further argued that even if confessional statement is considered then also the applicant was not the assailant. The co-accused, in submission of the learned counsel for the applicant is already directed to be released on bail by the coordinate Bench of this Court.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me.

The FIR of the subject crime is lodged by Babi Devi who happens to be mother of Roushan Kumar (since deceased). Said Roushan Kumar was residing in the rented room owned by witness Rita Devi. The first informant alleged that on 29.02.2020, at about 3 P.M. her son was taken by Sukho Singh @ Roushan, Bihari Singh (applicant), son of Ranjeet Singh and Ranjeet Singh son of Shiv Kumar Singh as well as two unknown persons. However, thereafter her son is not traced out. Subsequently, dead body of Roushan Kumar was found with injuries.

Rita Devi is landlady of the deceased Roushan Kumar. Her statement was recorded by police during the course of investigation and on 01.03.2020 itself. In her



statement, this Rita Devi has stated that Roushan Kumar was called by few people and she saw Roushan Kumar was being taken from the room by Sukho Singh @ Roushan and Bihari Singh (applicant) on black colour motorcycle. Rita Devi has further stated that as Roushan Kumar did not return, she herself informed parents of Roushan Kumar about missing of Roushan Kumar.

During course of investigation, a witness examined by the police stated that the black colour motorcycle was taken from him by the present applicant. Subsequently, dead body of Roushan Kumar was found and apparently he died homicidal death.

Co-accused Ranjeet Singh @ Ranjeet Kumar was not named as a person who had taken Roushan Kumar with him by Rita Devi. What was the source of knowledge of Rita Devi regarding identity of the applicant is a question which will have to be answered at the trial after cross-examining Rita Devi.

Considering the nature of the evidence available against the applicant/accused, no case for grant of bail is made out. Accordingly, this application stands rejected.

Considering the fact that the applicant has



undergone pretrial detention for a period of two years, the learned trial court is directed to take up the trial for disposal expeditiously.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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