

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20484 of 2022

Arising Out of PS. Case No.-448 Year-2020 Thana- MAJHAULIA District- West Champaran

Shimpu Sah @ Varun Sharraf @ Shimpu Sahni, Son of Mohan Sah, R/O
Village- Purvi Banuchhapar, P.S.- Bettiah Muffasil, District- West
Champaran- 845438

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate Mr. Subodh Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Surendra Kishore Thakur, learned counsel appearing on behalf of the petitioner, Mr. Bimlesh Kumar Pandey, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Majhauria P.S. Case No. 448 of 2020 registered for the offences under Sections 302, 120B/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on



26.06.2020, at about 9.00 P.M., the son of the informant, namely, Subhash Yadav, went to make payment in connection with some land to the house of Lal Babu Srivastava and Ankit Srivastava by Bullet motorcycle, but he did not return till late night. On the next morning, at about 10.00 AM., the informant received an information that a dead body is lying near a canal and when the informant reached there, he identified the dead body of his son Subhash Yadav. It is further alleged that all the accused persons along with some unknown persons committed the murder of his son under a conspiracy, due to dispute regarding sale and purchase of the land.

Learned counsel appearing on behalf of the petitioner submits that the informant is not an eye witness to the alleged occurrence and not even a suspicion has been raised against the petitioner. It is submitted that as a matter of fact no witness has come forward to claim to have seen the petitioner even on spot, but only on account of confessional statement of co-accused Sujit Kumar, his name has been implicated in this case. However, the same has no evidentiary value in the eye of law. He next submits that nothing incriminating has been recovered from the possession of the petitioner and moreover other co-accused having identical allegations, have already been granted



bail by different learned coordinate Bench of this Court. He next submits that during the course of investigation the co-accused Sanwar Khan, against whom it is alleged that he was driving the Creta SUV vehicle of the petitioner, which vehicle was used for the purposes of disposing of the dead body, has already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 1864 of 2021 vide order dated 20.05.2021. He lastly submits that the petitioner, having fair antecedent, is in custody since 17.08.2021 and moreover after completion of investigation, the charge-sheet has been submitted.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that during the course of investigation it has come that the petitioner has actively participated in the crime and remained present from beginning to end of the occurrence. In course of investigation, the police also seized Creta SUV vehicle, which has been used for the purpose of carrying the dead body of the deceased for disposing it. He further submits that the blood stains was also found in the Creta vehicle, which belongs to the petitioner and in order to conceal the crime and screen the offenders, the petitioner managed to remove the number plate of the Creta vehicle.



Learned counsel for the State opposes the bail application and also drawn the attention of this Court towards the certain paragraphs showing the complicity of the petitioner in the present crime.

Having regard to the submissions made on behalf of the parties and considering the materials collected during the course of investigation and also the fact that the dead body of the deceased was disposed of by using Creta SUV vehicle of the petitioner wherein the blood stains was also found and further he in order to conceal the crime and screen the offenders remove the number plate of the vehicle, in question, and moreover the call detail reports also suggests that the petitioner was all along in touch with the other accused and the tower location of his mobile also suggests his presence on the place of occurrence, this Court is not persuaded to enlarge the petitioner on bail, for the present.

However, liberty is granted to the petitioner to renew his prayer for bail after four months.

Accordingly, the bail application stands dismissed.

(Harish Kumar, J)

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