

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24520 of 2022

Arising Out of PS. Case No.-588 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Avinash Kumar Singh S/o Dharmendra Kumar Yadav R/o Islamganj, Ward
No.15 Mohania, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Soni Shrivastava, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Mohania P.S. Case No. 588 of 2021, lodged under Section 364
of the Indian Penal Code but later on Sections 328, 302, 201 of
the Indian Penal Code have been added.

As per prosecution case, the younger son of informant
aged about 8 years went to play outside the house, but he did not
returned home till late evening. Search was conducted and
during search informant got to know that victim child was last
seen with the accused. It was alleged in the F.I.R. that accused is
jealous with the progress made by the informant, therefore, he

kidnapped the informant's son to commit crime against him, with this allegation the F.I.R. has been lodged.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that the age of petitioner is just about 19 years and his antecedent is clean. He further submits that petitioner is adjacent neighbour of the informant. He also submits that even in the statement of informant, they have shown their faith upon the petitioner. Learned counsel for the petitioner further submits that petitioner is in custody since 26.12.2021, charge sheet has already been filed as well as charge has also been framed in this case and no purpose shall be served keeping the petitioner in custody.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the Informant vehemently opposes the prayer for bail and submits that in the F.I.R. the case has been lodged under Section 364 of I.P.C. only but subsequently during course of investigation upon the confessional statement of the petitioner, the dead body of deceased was recovered. He further submits that one letter was also recovered in which statement relating to demanding of

ransom was there. He further submits that it is the case of brutal murder.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and, therefore, the bail application of petitioner is hereby rejected.

(Dr. Anshuman, J.)

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