

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40133 of 2021**

Arising Out of PS. Case No.-37 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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BAMBAM SINGH, Son of Indradev Singh, Resident of Village- Khamhar,
P.S.- Muffasil, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Vikram Deo Singh, Advocate Mr. Arjun Prasad, Advocate
For the Opposite Party/s	:	Mr.Md. Fahimuddin, A.P.P.
For the Informant	:	Mr. Bipin Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Md. Fahimuddin, learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Muffasil P.S. Case No. 37 of 2021 registered
for the offences punishable under Sections 302, 201, 120(B), 34
of the Indian Penal Code. He is in custody in connection with
this case since 29.01.2021. The petitioner has got one criminal
antecedent in which he is on bail.

Learned counsel for the petitioner submits that as per



the prosecution story, the father of the informant had gone to the house of this petitioner but when he did not return, the informant gave a mobile call to his father at about 6.30 P.M. and his father informed the informant that he was with this petitioner. It is alleged that after some time when he did not return then the informant started ringing on the mobile of this petitioner but the same was not received. The informant along with his family members went to the village of this petitioner in search of his father but his father was not traced and the petitioner was also not found in his house. On the subsequent day, the Chowkidar of Birpur Police Station came to the house of the informant and informed that the dead body of his father was lying on brick-soil road near Kund Dhala. The informant alleged that his father died due to smothering of his mouth and neck by muffler and thereafter the dead body was thrown away. His motorcycle was also lying there. The informant raised strong doubt against this petitioner.

Learned counsel submits that the petitioner is innocent and has been falsely implicated in this case. He had no motive to kill the father of the informant. It is submitted that nothing incriminating has been recovered from the possession of the petitioner and there is no eye witness to the alleged



occurrence, therefore, it is a case based on mere suspicion. It is further submitted that the co-accused Shiv Kalyan Singh has named this petitioner.

On the other hand, learned counsel for the informant has opposed the prayer for bail of the petitioner. It is submitted that the petitioner does not deny that the father of the informant had gone to the house of the petitioner and in the evening when the informant had given a call to his father, he was present with this petitioner. It is submitted that this petitioner has made a confessional statement in which he has narrated as to how the plan was hatched to kill the father of the informant over certain disputes.

Learned counsel for the informant further submits that the post-mortem report of the dead body of the deceased shows that he died due to asphyxia caused by smothering. Learned counsel further submits that the co-accused Shiv Kalyan Singh has been granted bail but the case of this petitioner stands on a different footing where his name was in the F.I.R. and the father of the informant had gone to the house of this petitioner whereafter he did not return.

Mr. Md. Fahimuddin, learned APP for the State has also opposed the prayer for regular bail of the petitioner.



Considering the facts and circumstances of the case, since the petitioner is named in the F.I.R. and it has come in the prosecution case that the father of the informant had gone to the house of this petitioner and he was present with the petitioner when the informant had given him a call at 6.30 P.M. but thereafter, he did not return and when the informant went in search of his father there also the petitioner was not found, later on the dead body of the father of the informant was found on the subsequent day, in the nature of the materials present before this Court, this Court is not inclined to release the petitioner on bail at this stage. The prayer for bail is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

