

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37894 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- GADHPURA District- Begusarai

SUNIL PATHAK Son of Mukti pathak Resident of Village - Malipur, Ward
No.4, P.S.- Gadhpura, Distt.- Begusarai, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42092 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- GADHPURA District- Begusarai

PANKAJ RAI S/O RAMCHANDRA RAI R/o village- Malipur, P.S.-
Gadhpura, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37894 of 2021)

For the Petitioner/s : Mr. Avinash Kumar Singh, Adv.
Mr. Ajay Kumar Thakur, Adv.

For the Informant : Mr. Diwakar Prasad Singh, Adv.

For the State : Dr. Indihar Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 42092 of 2021)

For the petitioner : Ms. Vaishnavi Singh, Adv

For the Informant : Mr. Diwakar Prasad Singh, Adv.

For the State : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 21-02-2022 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners have preferred this application for
grant of regular bail in a case registered under section 302 and
34 of the Indian Penal Code.



As per the prosecution case, the four accused persons including the two petitioners herein are said to have assaulted and killed the father of the informant and of having laid him at the door of his house. It is stated by the informant that seeing him the four accused person including the two petitioners herein escaped.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. From perusal and contents of the First Information Report as also from the statement of the parents of the informant under section 161 Cr.P.C., the informant is not an eye witness to the occurrence. The person to wake up first in the morning was the father of the informant, who seeing the dead body raised hulla and it was thereafter that the informant woke up and saw the dead body. It is further submitted that inspite of information having been received at the police station on 07.10.2020 at 5 p.m., the first information report was registered at 9 p.m. and further from the case diary, it would transpire that the police had reached the place of occurrence and the inquest report had been prepared at 6:30 a.m. and the body sent for post-mortem examination. It is submitted that there is no eye witness to the actual occurrence. The petitioners are in custody since



10.03.2021 and 31.01.2021 respectively. Investigation in the case has concluded.

The application for bail is opposed by the learned APP for the State and learned counsel for the informant.

It is submitted by the learned counsel for the informant that the application for bail of the two similarly situated FIR named co-accused namely Bablu Pathak and Mukesh Singh have been rejected vide order dated 29.11.2021 passed in Cr. Misc. No. 24906 of 2021 and order dated 22.11.2021 passed in Cr. Misc. No. 40748 of 2021.

Having heard learned counsel for the parties and taking into consideration the allegation levelled in the First Information Report together with the rejection of the bail of the above named co-accused persons, the Court is not inclined to allow the instant application and the application is rejected.

Liberty is granted to the petitioners to renew their prayer for bail after six months.

(Partha Sarthy, J)

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