

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48944 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- RAFIGANJ District- Aurangabad

Karu Singh @ Karan Kumar S/o Agnideo Singh Resident of Village- Telthua,
P.S.- Rafiganj, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44650 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- RAFIGANJ District- Aurangabad

Chhotan Singh S/o Late Abhay Singh Resident of Village - Telthua, P.S.
Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48944 of 2021)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

For the Informnat : Ms. Lilawati Kumari, Advocate.

(In CRIMINAL MISCELLANEOUS No. 44650 of 2021)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

8 29-07-2022 Learned counsel for the petitioners is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioners, Ms. Lilawati Kumari, learned
counsel for the informant and learned Additional Public



Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Rafiganj P. S. Case No. 66 of 2021 registered for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 26.02.2021 Karu Singh @ Karan Kumar came to the house of the informant and took away her younger son on his motorcycle but her son did not return. It is further alleged that on 27.02.2021, the informant tried her best to search out her son but could not find him, on 28.02.2021 she came to know that the dead body of her son was lying near the bank of river, she suspected the hands of both the petitioners in the present matter.

Learned senior counsel appearing on behalf of the petitioners submitted that from the tenor of the F.I.R., it is evident that the informant herself stated that the deceased always used to live with the petitioners and sometimes her son stayed in the house of Chhotan Singh and all of them regularly used to drink wine together. She did not mention about any animosity amongst them. It is further submitted that they were friends and the deceased was a drunkard and always remain in



intoxicated condition and further, there is no eye-witnesses to the alleged occurrence and moreover, both the petitioners voluntarily surrendered on 05.03.2021 and since then they are in custody. It is next submitted that the cause of death could not be ascertained and as such, viscera has been sent to Forensic Science Laboratory for further report.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that during the course of investigation, witnesses have stated that prior to the recovery of the dead body both the petitioners and the deceased were taking wine together and they have also stated that it is Karu Singh @ Karan Kumar, who had taken away the younger son of the informant, thereafter, his dead body was found.

Learned APP for the State opposes the bail application and submits that during the course of investigation, it has come that the deceased had illicit relation with he niece of Chhotan Singh and as such, there was motive behind the killing of the deceased and moreover, from the post mortem report, it appears that the body of the deceased was burnt by hot water or oil.

Having considered the submissions made on behalf



of the parties and taking into account the fact that the deceased was lastly seen with both the petitioners and thereafter, his dead body was found lying near the bank of river and moreover, earlier a report was called for with regard to the stage of trial and from the report, it appears that all the six witnesses cited in the charge-sheet, have already been examined and the case is fixed for evidence and it is likely to be concluded within two months.

In view of the above, this court is not persuaded to enlarge the petitioners on bail and directs the learned trial court to conclude the trial as early as possible, preferably within a period of three months from today, failing which the petitioners would be at liberty to renew their prayer for bail.

Accordingly, both the applications stand dismissed for present.

(Harish Kumar, J)

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