

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34952 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- KARAHGAR District- Rohtas

NIRAJ KUMAR Son of Mahendra Sah Resident of Village - Garura, P.S.
Sheosagar, District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramchandra Singh
For the Informant/s	:	Mr. Raghunandan Kumar Singh
For the State	:	Ms. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 28-09-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant of regular bail in a case registered u/s 302 and 201 read with 34 of the Indian Penal Code.

As per the prosecution case, the informant's son was at his house in the meantime the petitioner Niraj Kumar came and took away his son to village Babhani, where the informant's son, the petitioner Niraj Kumar and co-accused Ritesh Kumar took food in the hut of one Paramhans Yadav. When the



informant's son did not return in the night then in the morning the informant and the villagers started searching his son, When they reached Babhani and inquired about his son then they saw that his son was drowned in the canal and had sustained injuries. It is further alleged that the informant has full confidence that the petitioner Niraj Kumar and the co-accused Ritesh Kumar murdered his son and threw the dead body in the canal to conceal the evidence.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the hut in which the petitioner along with the other co-accused took food belongs to one Paramhans Yadav who was not examined by the investigating officer. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 20.01.2022.

Learned A.P.P. for the State Ms. Sharda Kumari and learned counsel for the informant Sri Raghunandan Kumar Singh have vehemently opposed the bail petition of the petitioner by submitting that the post-mortem report reflects that the cause of death is asphyxia due to drowning with head injury



caused by hard and blunt substance which indicates that before drowning, the injured had sustained injury over the head. It is further submitted that the case of the petitioner is on a different footing compared to the case of the co-accused who has already been granted bail by this Court *vide* order dated 21.09.2022 passed in Cr. Misc. No. 28348 of 2022. It was the petitioner who took away the deceased to village Babhani and thereafter the dead body was found in the canal.

Considering the aforesaid facts and circumstances as well as the heinous nature of allegation against the petitioner, I am not inclined to enlarge this petitioner above-named on bail.

Learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

The bail petition stands rejected.

(Chandra Prakash Singh, J)

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