

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44841 of 2021

Arising Out of PS. Case No.-680 Year-2020 Thana- SAKRA District- Muzaffarpur

Rajesh Kumar Son of Chandra Bhushan Singh Resident of Village-
Mahammadpur Shirram, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks regular bail in connection with
Sakra P.S. Case No. 680 of 2020 instituted for the offences
under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 15.03.2021, charge-sheet has been
submitted in the case and has got one criminal antecedent as
mentioned in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that
informant (Prema Devi) alleges that on 05.12.2020 at 2 o'clock
Brajesh Kumar, Rajesh Kumar (petitioner) Triloki Nath Singh
and Navneet Kumar along with 4-5 unknown persons came on
two different motorcycles and a car and they began to search



Ganesh Kumar and Girdhar Kumar but they were not found hence they went away, few minutes later the above four persons and some unknown persons forcibly got Ganesh Kumar seated in the vehicle which was witnessed by Girdhar Kumar, grandson of the informant and thus he raised alarm, accordingly with arrival of the villagers all the accused persons fled away from there. It is further alleged that efforts were made to locate Ganesh Kumar but his whereabouts cannot be located, later at 4.45 in the evening Brajesh Kumar, Rajesh Kumar and Sharda Kumari arrived by car and dropped a dead body from the dickey of the vehicle, on which the informant and her grandson, Girdhar Kumar rushed and found the dead body of Ganesh Kumar and on raising alarm, the accused fled away. The reason behind the occurrence is alleged to be that grandson of the informant, namely, Govind Kumar was kidnapped on 21.11.2020 and he executed a sale deed under influence of intoxicating injection given by the accused for which Reeta Devi, Sister-in-law of the informant gave an application in the police station in which deceased Ganesh Kumar was a witness as a result of which Brajesh Kumar having grudge with Ganesh Kumar kidnapped and murdered him.

Learned counsel for the petitioner submits that from



perusal of the allegation as alleged in the F.I.R. it would manifest that the allegation is completely absurd and false for the reason that no accused after committing the occurrence will throw the body of the deceased in presence of his family members and thus would get implicated in the case. Learned counsel submits that falsity of the allegation as alleged in the F.I.R. manifests from the fact that informant alleges that Ganesh Kumar was kidnapped and later killed by the accused persons and the accused persons brought the dead body and threw it from the vehicle which was witnessed by the informant and her grandson. Learned counsel submits that since the elder grandson of the informant had executed a sale deed in favour of Sharda Kumari, wife of Brajesh Kumar which was being objected by the informant as such the petitioner along with his family members has been falsely implicated in the present case.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 15.03.2021 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M.-XII, (East) Muzaffarpur in
connection with Sakra P.S. Case No. 680 of 2020.

(Satyavrat Verma, J)

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