

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47228 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

Priyam Kumar @ Purushottam Kumar Son Of Late Kamal Singh @ Kamal
Kumar Singh Resident Of Village - Lohiyanagar, P.S. - Nagar, District -
Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur- Advocate
Ms. Vaishnavi Singh- Advocate
For the Opposite Party/s : Ms Nirmala Kumari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Nagar
(Lohianagar O.P.) P. S. Case No.188 of 2020, instituted for the
offences under Sections 302, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 25.01.2021, charge-sheet has been
submitted in the case and has one antecedent as mentioned in
Para-3 of the petition.

The learned counsel for the petitioner submits that the
informant alleges that on 10.03.2020 at about 9.35 P.M., he was
sitting with his family members when the petitioner along with
two named accused persons came to his house and asked his son



Rajesh Sahani (deceased) to accompany, but the deceased was reluctant to accompany, but they forcibly took him near Radha Yadav's house where from before, five unknown persons were present. Further, the unknown accused persons started assaulting the deceased, on which the informant tried to save his son, but he was also assaulted. The petitioner along with two named accused persons with towel (gamchha) strangled the deceased in front of the informant and the deceased started bleeding from his mouth and nose and then the accused persons fled away. Thereafter, police came and the son was taken to hospital where he was declared brought dead.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the case even the informant in the trial has stated that it was an accidental death. Further, the post mortem also does not corroborate with the allegation as alleged in the F.I.R.

The learned A.P.P. for the State opposes the bail application and submits that it would not be prudent for him to make any submission with regard to the statement made by the informant in the trial, but the informant is an eye witness to the occurrence and it is very difficult to believe at this stage for the purposes of bail that a father would falsely implicate innocent



person with regard to the death of his son. The learned A.P.P. submits that from the F.I.R., it is clear that the informant had seen the occurrence as he has given a very vivid description of the occurrence.

The Court accepts the contention of the learned A.P.P. for the State for the purposes of bail and thus, is not inclined to release the petitioner on bail.

Accordingly, the prayer for bail stands rejected.

(Satyavrat Verma, J)

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