

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54434 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- PARWALPUR District- Nalanda

SURAJ KUMAR Son of Navlesh Prasad Resident of Village- Astupur, P.O.-
Sanchari, P.S.- Parwalpur, Dist- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyam Sundar Prasad., Advocate.
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP.
For the Informant	:	Mr. Rajeev Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 30-08-2022 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 from today.

Heard Mr. Shyam Sundar Prasad, learned counsel for the petitioner, Mr. Rajeev Kumar, learned counsel for the informant as well as Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Parwalpur P. S. Case No. 107 of 2020 giving rise to Sessions Trial No. 1004 of 2020 registered for the offences punishable under Sections 364, 302, 201 read with 34 of the Indian Penal Code.



As per the prosecution case, it is alleged that the son of the informant was taken away by accused persons including the petitioner and the informant apprehends that his son has been killed by them.

Learned counsel appearing on behalf of the petitioner submitted that there is no eye-witness to the alleged occurrence and in course of investigation, from the house of the petitioner one motorcycle and screwdriver has been recovered, which is said to have been used for the purposes of committing murder, however, the post mortem report suggests otherwise in as much as the cause of death is shown to be asphyxia due to throttling. It is further submitted that this petitioner is in custody since 05.05.2020 and moreover, the investigation of the crime is completed and the deposition of the charge sheet witnesses have been recorded in course of trial.

On the other hand, learned counsel for the informant as well as learned APP for the State vehemently opposes the bail application and submits that during the course of investigation on the basis of confessional statement of the petitioner, the dead body of the victim was recovered. Further, the motorcycle and the screwdriver, which was used for the purposes of abduction of the victim, aged about 10 years as well



as blood stained cloths were also recovered from the house of the petitioner. It is also submitted that now the trial is at the fag-end and all the charge sheet witness have been examined and the trial is likely to be concluded in a short span of time.

Having considered the submissions made on behalf of the parties and taking into account the nature of accusation and the materials available on record together with the fact that the trial is at the fag-end, this court is not persuaded to enlarge the petitioner on bail for present.

Accordingly, the present application stands dismissed.

It is expected that the learned trial court will take all necessary measure to expedite the trial and conclude it expeditiously.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

