

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54053 of 2021**

Arising Out of PS. Case No.-448 Year-2020 Thana- MAJHAULIA District- West Champaran

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Ankit Srivastava @ Ankit Raj @ Aryan Raj, Son of Lal Babu Srivastava,  
Resident of Village- Banuchhapar, P.S.- Banuchhapar O.P. Muffasil, Bettiah,  
District- West Champaran- 845438.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                       |
|--------------------------|---|---------------------------------------|
| For the Petitioner/s     | : | Mr. Surendra Kishore Thakur, Advocate |
|                          |   | Mr. Subodh Kumar, Advocate            |
| For the Opposite Party/s | : | Mrs. Pushpa Sinha, APP                |
| For the Informant        | : | Mr. Bimlesh Kumar Pandey, Advocate    |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

6      29-08-2022                      Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Surendra Kishore Thakur, learned counsel appearing on behalf of the petitioner, Mr. Bimlesh Kumar Pandey, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Majhauria P.S. Case No. 448 of 2020 registered for the offences under Sections 302, 120B/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 26.06.2020, at about 9.00 P.M., the son of the informant, namely, Subhash Yadav, went to make payment in connection



with some land to the house of Lal Babu Srivastava and Ankit Srivastava by Bullet motorcycle, but he did not return till late night. On the next morning, at about 10.00 AM., the informant received an information that a dead body is lying near a canal and when the informant reached there, he identified the dead body of his son Subhash Yadav. It is further alleged that all the accused persons along with some unknown persons committed the murder of his son under a conspiracy, due to dispute regarding sale and purchase of the land.

Learned counsel appearing on behalf of the petitioner submits that the informant is not the eye witness to the alleged occurrence and not even a suspicion has been raised against the petitioner. It is submitted that as a matter of fact no witness has come forward to claim to have seen the petitioner even on spot, but only on account of confessional statement of co-accused Sujit Kumar his name has been implicated in this case, however, the same has no evidentiary value in the eye of law. He next submits that nothing incriminating material has been recovered from the possession of the petitioner and moreover other co-accused, having identical allegations, have already been granted bail by the different learned coordinate Benches of this Court. It is next submitted that during the course of investigation, the co-accused Sanwar Khan, against whom it is alleged that he was



driving the Creta SUV vehicle of the petitioner, which was used for the purpose of disposing the dead body, has already been granted bail by the learned coordinate Benches of this Court in Cr. Misc. No. 1864 of 2021 vide order dated 20.05.2021. It is lastly submitted that the petitioner, having fair antecedent, is in custody since 17.08.2021 and moreover after completion of the investigation, charge-sheet has been submitted.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that during the course of investigation it has come that the petitioner has actively participated in the crime and remained present from the beginning to end of the occurrence. In course of investigation, the police also seized Creta SUV vehicle, which was used for the purpose of carrying the dead body of the deceased for disposing it. He further submits that the blood stains was also found in the Creta SUV vehicle, which belongs to the petitioner and in order to conceal the crime and screen the offender, the petitioner managed to remove the number plate of the Creta vehicle.

Learned counsel for the State also drawn the attention of this Court towards certain paragraphs showing the complicity of the petitioner in the present crime.

Having regard to the submissions made on behalf of



the parties and considering the materials available during the course of investigation and also the fact that the dead body of the deceased was disposed of by using the Creta SUV vehicle of the petitioner wherein the blood stains was also found and further he in order to conceal the crime and screen the offenders, removed the number plate of the vehicle, in question, and moreover the call detailed reports suggests that the petitioner was all along in touch with other accused persons and the tower location of his mobile also suggests his presence on the place of occurrence, this Court is not persuaded to enlarge the petitioner on bail, for the present.

However, liberty is granted to the petitioner to renew his prayer for bail after four months.

Accordingly, the present bail application stands dismissed.

**(Harish Kumar, J)**

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