

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62798 of 2021**

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

Triloki Nath Singh Son Of Raghuvansh Prasad Singh @ Hariwansh Rai
Resident Of Village - Mahmadpur Mohan, P.S.- Sakra, Dist.- Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh Mr. Ritwik Thakur Ms. Shivam
For the Opposite Party/s :		Mr. Rajendra Prasad Nat

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 25-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Section 302/ 34 of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 14.08.2021 as pleaded in Para-21
of the bail application, charge-sheet has been submitted in this
case and has antecedent of one case.

The learned counsel for the petitioner further submits
that the informant Prema Devi alleges that on 05.12.2020 at
2.00 P.M., Brajesh Kumar, Rajesh Kumar, Triloki Nath Singh
(petitioner) and Navneet Kumar and 4-5 unknown persons came



on two different motorcycles and a car of Brajesh Kumar 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 the Girdhar Kumar, grandson of the informant and thus, he raised alarm. Accordingly with arrival of the villagers, all the accused persons fled away from the place of occurrence. It is further alleged that efforts were made to locate Ganesh Kumar, but his whereabouts cannot be located. Later, at 4.45 P.M., in the evening, Brajesh Kumar, Rajesh Kumar and Sharda Kumari arrived by a car and dropped a dead body from the dicky 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 persons fled away. It is further alleged that the reason behind the occurrence is 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, Rita Devi, sister-in-law of the informant gave an application in the police station in which the deceased Ganesh Kumar was a witness as a result of which, Brajesh Kumar having grudge with Ganesh



Kumar, kidnapped and murdered.

The 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 appears to be 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 by creating evidence against themselves. The learned counsel submits that falsity of the allegation as alleged in the F.I.R. manifest from the fact that informant alleges that Govind Kumar was kidnapped and later, killed by the accused persons and the accused persons brought the dead body threw it from the vehicle, which was witnessed by the informant and her grandson, which appears improbable as submitted aforesaid.

It is further submitted that since the elder grandson of the informant had executed a sale deed in favour of Sharda Kumari, wife of Brajesh Kumar and the same was being objected by the informant, as such, the petitioner, who is agnate of Brajesh Kumar also came to be implicated in the present case. It is further submitted that even presuming what has been alleged is true without admitting, then also from the allegation, it would appear that the petitioner was not seen throwing the



dead body of the deceased.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in this case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sakra P. S. Case No.680 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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