

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62915 of 2021

Arising Out of PS. Case No.-783 Year-2020 Thana- BARACHATTI District- Gaya

Uday Kumar @ Pyarelal Son Of Ramprit Yadav Resident Of Village-
Manichak, P.O.- Sarwan Bazar, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Patanjali Rishi, Advocate Mr. Akash Deep, Advocate
For the Informant	:	Mr. Ajay Kumar Sinha, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barachatti P.S. Case No. 783 of 2020 registered for the alleged offences under Sections 364, 302, 201 and 34 of the Indian Penal Code.

As per prosecution case, son of the informant went missing and the petitioner and other co-accused persons are stated to be involved in his murder. Dead body of the son of the informant was also recovered.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. The same could be gathered from the facts and circumstances of this case. For an occurrence of 28.12.2020, FIR has been registered on 31.12.2020 and there is no explanation for this delay. Though, the petitioner and other co-accused were taken by the police during investigation to different place and in a hotel where they allegedly toonmeal, the hotel owner and the waiter stated about three youths coming there and taking food, but surprisingly they did not identify the petitioner as one of them. Further, this petitioner was assaulted by the informant and others and he has been examined and injury report shows simple injury but if the petitioner on his own confessed his crime how come the injuries were found upon him. It has been stated that the petitioner was having affair with the daughter of the informant and the deceased objecting to it but nowhere during the investigation, the statement of the daughter of informant was recorded. Learned counsel further submits that the place from where allegedly the knife was purchased from the shop-keeper, he did not identify the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 02.01.2021.

Learned counsel appearing on behalf of the informant as



well as learned APP opposes the prayer for bail of the petitioner submitting that there is specific allegation against this petitioner in the FIR. The informant has given mobile number of the petitioner who has spoken to him. Furthermore, in paragraph 35 of the case diary it has come that at the instance of the petitioner, the dead body as well as knife used in the assault were recovered. Post-mortem report also shows the injury on the neck as confessed by the regarding assault. Witness in paragraph 46 has also stated that the recovery has been made at the instance of the petitioner.

Having regard to the fact that the petitioner has been named specifically in the FIR as the person who took away the son of the informant and further dead body was recovered and the weapon used in the assault as well as dead body itself were recovered at the instance of the petitioner, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

The learned Trial Court is directed to expedite the trial.

(Arun Kumar Jha, J)

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