

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69132 of 2021**

Arising Out of PS. Case No.-70 Year-2021 Thana- ASHTHAWAN District- Nalanda

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GUDDU KUMAR Son of Late Baleshwar Prasad @ Baleshwar Tamori
Resident of Village - Asthawan, P.S.- Asthawan, Distt.- Nalanda (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Madhura Nand Jha, APP
For the Informant	:	Mr. Satya Ranjan Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

7 26-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Asthawan
P.S. Case No. 70 of 2021, registered for the offence under
Sections 363, 365 and 34 of the Indian Penal Code and
subsequently vide order dated 12.03.2021 Section 302, 201 &
120(B) of the I.P.C. was added.

The accused/petitioner is named in the F.I.R. and is in



custody since 12.03.2021.

The allegation against the petitioner is to commit murder of the son of the informant, along with other co-accused persons, for longstanding land disputes.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Shiv Kumar Yadav, and also on self confession. It is submitted that post-mortem report is unable to suggest cause of death and in want of same, it cannot be said that confessional statement get its strength by way of corroboration. It is further submitted that allegation against this petitioner is exclusively based upon suspicion, as land disputes are pending between the parties. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP dully assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that in furtherance of confessional statement of co-accused, Shiv Kumar Yadav, and also of this petitioner, the dead body of the son (deceased) of the informant was recovered



from well, near railway track. It is further submitted that the manner explained in confessional statement, as regard to killing of the son of the informant is in corroborations with post-mortem report, as same is suggesting that **“Subcutaneous tissue under front of neck was congested. Compression fracture of trachea present”**. It is also submitted that trial is under progress.

In view of the facts and circumstances as mentioned above, as dead body of the son(deceased) of the informant recovered in furtherance of confessional statement of this petitioner, where manner of killing appears, prima facie, in corroboration with internal injury as found during post-mortem, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The trial court is directed to conclude the trial, preferably, within a period of 06 (six) months after receiving copy of this order, by taking matter on board, on day-to-day basis, if required.

The Superintendent of Police, Nalanda, is directed to produce the charge-sheeted witnesses, as and when directed by



the trial court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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