

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4240 of 2023

Arising Out of PS. Case No.-143 Year-2020 Thana- MAHNAR District- Vaishali

KAUSHAL KUMAR PRINCE @ KAUSHAL KUMAR @ PRINCE S/O SRI
KUSHESHWAR PASWAN Resident of village- Alipur Hatta, P.S.- Mahnar,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Adv. Mr.Ritwik Thakur, Adv. Mrs.Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr.Ramchandra Sahni, APP
For the Informant	:	Mr.Niraj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Mahnar P.S. Case No.143 of 2020, registered for the offence
punishable u/s 302, 201/34 of the IPC.

Allegation against the petitioner is that he along with
other accused persons are involved in a murder in connection
with Mahnar U.D. Case No.03 of 2020.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.
No such occurrence, in the manner as alleged, has ever taken
place. The allegation leveled against the petitioner is not



specific rather general and omnibus in nature. There is no eye-witness to the alleged occurrence and during investigation, the name of petitioner and other accused transpired in the case of murder. It is submitted that earlier the mother of the deceased has filed an U.D. Case regarding the death of her son by drowning but later on an F.I.R. was lodged as U.D. Case No.3 of 2020. During investigation, the I.O. obtained the postmortem report of the deceased, in which, the Doctor has given opinion that cause of death was throttling and chest injury due to asphyxia. On the basis of postmortem report, it was opined that it is a case of murder and during course of investigation in the U.D. Case, the involvement of the accused persons and other accused persons was found but the real fact is that the deceased died due to drowning. It is further submitted that it is a fact that deceased was last seen with the petitioner and other co-accused persons but the witnesses have not supported the prosecution case. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the process u/s 82 Cr.P.C. has been issued against the petitioner. It is further submitted that in the case diary, it has come that the postmortem was conducted two times and it is clear that the



petitioner after killing the deceased, threw the dead body in the river water.

Having regard to the facts and circumstances of the case and considering the nature of allegation including the evidence available in the case diary, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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