

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17646 of 2023

Arising Out of PS. Case No.-610 Year-2022 Thana- KOILWAR District- Bhojpur

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Dheeraj Kumar Singh, aged about 18 years, Male, Son of Sri Kaushal Kumar Singh @ Kaushal Singh, Resident of Village - Bhakura, P.S.- Mufassil, District - Bhojpur, Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ritesh Kumar, Advocate

For the Opposite Party : Mr. Shailendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 31-10-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Koilwar P.S. Case No. 610 of 2022 dated 26.09.2022 registered for the offence punishable under Sections 302/34 of the I.P.C.

3. As per the prosecution case, on 25.09.2022, the son of the informant, namely, Aasin Raj alias Manish Kumar alias Chinese was at his home and he used to keep his father's Mobile Nos. 7643081959 and 9693196593. In the morning at 10.00 A.M., a call was received by him on the said mobile phone and thereafter, he left his house. When he did not return till night, the informant and his family members started searching him. In



course of search, on 26.09.2022 at 9.00 A.M. in the morning, they came to know that the dead body of the son of the informant was found under a Siris tree near a boring of one Niraj. The informant suspected that his son was killed with iron rod etc., by the person who called his son on mobile phone and other 3-4 unknown persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the present case merely on the basis of the confessional statement of co-accused Vickky Singh before the police. Except for this confessional statement, there is no other evidence to suggest the implication of the petitioner in the present case. It is further submitted that co-accused Vickky Singh in his confessional statement has not stated regarding any role against the petitioner. It is a case of last seen. The petitioner is a student and he has been preparing for the competitive examination. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the cause of death is shock and haemorrhage due



to injuries. It is further submitted that the petitioner and the co-accused persons namely Vickky Singh and Ashish Pandey @ Ajay Pandey were seen taking away the deceased on 25.09.2022 at 10.00 A.M. as per para nos. 56, 57 and 58 of the case diary.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the court below within a period of four weeks from the date of receipt/production of a copy of this order and the court below will consider the prayer for regular bail of the petitioner without being prejudiced of the order of this Court in connection with Koilwar P.S. Case No. 610 of 2022, pending in the court of learned C.J.M., Bhojpur at Ara.

7. Accordingly, the application stands rejected.

(Chandra Prakash Singh, J)

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