

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29805 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

Rajesh Kumar @ Rajesh Singh Son Of Ramswarath Singh R/O Village-
Ghosaith, P.S.- Piri Bazar, District- Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Ritwik Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 02.09.2022 in connection with Piri Bazar P.S. Case No. 123 of 2022, F.I.R. dated 26.08.2022 registered for the offence punishable under Sections 363/34 of the Indian Penal Code in which subsequently Sections 364,302,201,120(B) of IPC was added but the police after investigation submitted chargesheet under Sections 364,120B and 34 of IPC.

3. The prosecution case, in brief, is that the informant is father of the deceased. It is said that deceased Virat Aryan @ Sonu Kumar was running a school. It was alleged that one Rajesh Kumar has called Virat Aryan @ Sonu Kumar to



participate in a birthday party through Whatsapp message and since Rajesh Kumar was cousin of his father-in-law, Ramakant Singh. Therefore, he went to participate in the birthday party. It was also alleged by the informant that Rajesh Kumar alongwith other family members of Ramakant Singh has made his son traceless and he was apprehending that his son had been murdered also.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR that the son of the informant has received one Whatsapp call from Mobile No.6200813422 for attending the birthday party. Learned counsel for the petitioner submits that from bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 23.08.2022 but the present FIR has been instituted on 26.08.2022 after delay of three days without giving any explanation of delay.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that during investigation it has come that the petitioner was involved in the present crime in question alongwith other co-accused persons and specific para-31 of the case diary that one Reshmi



Kumari has confessed her guilt she categorically stated that she alongwith petitioner and other co-accused persons have committed murder to the son of the informant and again in para-85 of the case diary that one Suraj Kumar has confessed his guilt and he also stated that there is involvement of the petitioner in the present case and they also disposed of the dead body of the deceased in the Ganga River.

6. In view of the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Piri Bazar P.S. Case No. 123 of 2022, pending in the court of learned Judicial Magistrate, 1st Class, Lakhisarai.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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