

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31259 of 2022

Arising Out of PS. Case No.-235 Year-2021 Thana- JHAJHA District- Jamui

Lato Kumar Das, Son of Gopal Ravidas @ Gopal Das, Resident of Village -
Chain, P.S.- Jhajha, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Rajesh Kumar Sinha, learned counsel
appearing on behalf of the petitioner and learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Jhajha P.S. Case No. 235 of 2021 giving rise to
Sessions Trial No. 338 of 2021 registered for the offences
punishable under Sections 363/364 of the Indian Penal Code
and later on Section 302 of the Indian Penal Code was also
added.

As per the prosecution case, it is alleged that on
03.08.2021 at about 11:00 AM the petitioner has taken the son



of the informant aged about 08 years on his motorcycle and when his son did not return till the evening, then the informant went to the house of the petitioner, however, the petitioner has not given any satisfactory reply. It is further alleged that the petitioner had kidnapped his son with the intention to kill him.

Learned counsel appearing on behalf of the petitioner submits that from the materials available on record it is evident that there is no eyewitness to the alleged occurrence and save and except the allegation that the boy went along with the petitioner on his motorcycle, there is no material showing his complicity. He further submits that in fact the petitioner is mentally ill and for which he has been under treatment of Psychiatrist at Surat, which would be evident from the prescriptions as have been annexed as Annexure-2 series to the petition. He next submits that during the course of investigation, it has come that the petitioner confessed his crime and on his confession, the knife and blood stain clothes of the accused, which were worn by him at the time of alleged occurrence, have been recovered is palpably incorrect as the Investigating Officer has not sent the knife and blood stain clothes to the Forensic Science Laboratory as to whether the blood stains is of the petitioner or the deceased boy or else. He lastly submits that the



petitioner has no criminal antecedent and he is in custody since 04.08.2021.

On the other hand, learned APP for the State opposes the bail application and submits that this is a case of confession leading to recovery and, moreover, a boy aged about 08 years has been done to death and the knife which was used in causing the death of the victim has been recovered at the instance of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that on the confession of the petitioner the incriminating material, including the knife and blood stain clothes have been recovered, the prayer for bail of the petitioner stands rejected for present. It is expected that the learned trial Court will take all the endeavors to conclude the trial, as early as possible.

(Harish Kumar, J)

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