

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36405 of 2023

Arising Out of PS. Case No.-525 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

RAJ KUMAR SAH S/O SHIVNARAYAN SAH R/O Village-Sahila Rampur,
P.S.-Hathauri,Dist.-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 04-09-2023 Heard Hari Kishore Thakur, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Bochahan P.S. Case No. 525 of 2022 for the offence punishable under Sections 302, 120(B) and 201 of the Indian Penal Code lodged on 27.11.2022 by the informant, Ram Daras Sahani.

3. As per the prosecution story, the informant alleged that the auto driver, the petitioner herein, took his daughter along with grand-son and grand-daughter to drop them at his in-laws' house. Later, the son and and grand-son were returning, as they never reached the house, a search was made and later it was found the dead-bodies of the son and grand son have been thrown at bridge near the railway crossing respectively. The



dead bodies were taken to SKMCH, Muzaffarpur for post mortem and since the auto driver, petitioner was also missing, the FIR against him.

4. In this case, case diary was called for on 19.7.2023 which has since been received along with the post-mortem report.

5. Learned counsel for the petitioner submits that it is an admitted fact that while returning, the auto met with an accident with a truck, the deceased had taken the auto from him and was driver and at that time died on the spot while the petitioner and the deceased's son were alive, with the help of the truck driver, the bodies were put in the auto and he was taken to the hospital on midway found even the grand son dead and in a panic stage, he threw the body and disappeared which has resulted into his being in custody since 29.11.2022. He further submits that both the son and grand-son died on way to the hospital.

6. Learned APP on the other hand submits that though the accident part is correct even the death of the son may also be true, as per the post-mortem report, the grand-son died of fracture and the opinion has been given as asphyxia caused by throttling which means that he was killed and not died of any



accident.

7. The petitioner being the person who was carrying the injured in his auto, he himself has stated that he threw the dead body, in view of the post-mortem report so far as grand-son is concerned, for the present, this Court is not inclined to extend him him the privilege of bail which accordingly dismissed.

8. In view of the fact that the petitioner in custody since 29.11.2022, the trial Court is directed to expedite the trial and conclude the same within nine months from today

(Rajiv Roy, J)

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