

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40730 of 2022**

Arising Out of PS. Case No.-218 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

NARESH KUMAR @ NARESH BAITHA Son of Kishan Lal Resident of  
Village - Jul Bhikanpur partham @ Bhikanpur, P.s.- Mustafabad, Distt.-  
Firozabad (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      01-02-2023                      Heard learned counsel for the petitioner and the  
  
State.

The petitioner apprehends his arrest in connection  
with Durgawati P.S. Case No. 218 of 2019 instituted under  
Sections 302, 201, 34, 396, 412, 120B of the Indian Penal Code.

As per the prosecution story, the ‘Chowkidar’ lodged  
the written report that he received information on 4.8.2019 that  
a dead body has been thrown and accordingly, he reached the  
place of occurrence along with several other persons and found  
a dead body whose legs and hands were tied and the neck had a  
sharp cut. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he had  
no role to play in the matter and only on the basis of



confessional statement of accused Lal Babu Baitha, his name has come in the case.

On the last occasion, a coordinate bench of this Court had directed the Superintendent of Police, Kaimur at Bhabua amongst other to file counter affidavit which has since been filed.

Mr. Jitendra Kumar Singh, learned APP took this Court to para 11-21 of the counter affidavit and a perusal of the same shows the active participation of this petitioner.

It has further been stated that charge-sheet has already been submitted in 2019 itself against the other accused persons including Lal Babu Baitha on whose confessional statement, the name of the present petitioner has come up.

Considering the aforesaid facts, this is not a fit case for grant of anticipatory bail which is accordingly rejected.

**(Rajiv Roy, J)**

Ajay Singh/-

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