

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42292 of 2022

Arising Out of PS. Case No.-501 Year-2019 Thana- MASHRAK District- Saran

RAHUL KUMAR Son of Shyam Bahadur Rai Resident of Village - Bangra,
P.s.- Mashrak, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 30-01-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mashrak
P.S. Case No. 501 of 2019 registered for the offence under
Sections 363 and 302 read with Section 34 of the Indian Penal
Code.

The F.I.R. for the disappearance of the deceased
Rajeev Kumar was registered by his father Surendra Rai, on
20.11.2019, thereafter the investigation started. During
investigation, the petitioner Rahul Kumar was arrested by the
police and he confessed that he along with other co-accused
persons had killed the deceased. They decapitated the head of
the deceased and threw the body and head at different places.



The petitioner during investigation after having been arrested took the Police to the place of occurrence where the victim was killed by the petitioner and other co-accused. There the police learnt that about a year ago, one unidentified headless body was recovered from the place of occurrence shown by the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has clean antecedent, he is not named in the F.I.R. and except the confession of the petitioner, there is no material to connect the petitioner with the crime. He also submitted that the petitioner is in custody since 25.11.2020 and charges have not been framed yet, therefore, the petitioner shall be released on bail.

Learned A.P.P. for the State Shri Nityanand Tiwary has vehemently opposed the prayer of bail and has submitted that the petitioner is accused of committing heinous murder and he along with other co-accused has cut the head of the deceased.

The petitioner has shown the place where they had killed the deceased and the same has been corroborated by the recovery of the headless dead body of the deceased from the place of occurrence one year before and therefore, he submits that the petitioner doesn't deserve to be released on bail in such a heinous crime.



Considered the submission of the parties.

Considering the facts that the petitioner had taken the Investigating Officer to the place of occurrence and from where the headless dead body of the deceased was recovered one year back and other materials available in the case diary, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected.

The Court below is directed to expedite the trial.

(Sandeep Kumar, J)

Vikas/Shishir

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