

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45358 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- MUFFASIL District- Aurangabad

RISHU KUMAR Son of Ramesh Vishwakarma Resident of village-
Chandauli, P.S- Rafiganj, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhaneshwar Pd. Gupta, Adv.
For the State	:	Mr. Shyam Kumar Singh, APP.
For the Informant/s	:	Mr. Avinash Chandra, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 13-03-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Aurangabad (Muffasil) P.S. Case No. 129 of 2022 registered for
the offences punishable under Sections 302 and 120(B) of the
Indian Penal Code.

As per the prosecution, the informant alleged that on
23.04.2022 at night about 12:00 to 1:00 A.M., his younger
brother had gone with Upendra Yadav for some urgent work and
on the next day, the dead body of his brother was found laying
beside the road in the *Yari Badhar* and the motorcycle of his
brother was recovered from the alleged place. It is further
alleged that his brother was killed by three unknown persons

who had come at the alleged place by a Scorpio.

The main submissions advanced by petitioner's counsel are that the petitioner is not named in the FIR and his name surfaced in the confessional statement of co-accused person namely, Sunil Kumar Yadav and there is no eye-witness of the alleged murder and the petitioner has been languishing in jail since 30.04.2022 and he has been made accused in this case only on the basis of suspicion and he has fair and clean antecedent.

Learned APP appearing for the State as well as learned counsel appearing for the informant has opposed the bail prayer and submitted that in this case, the deceased namely Praveen Kumar @ Kamani Sharma was brutally murdered by this petitioner and the co-accused persons Rishu Kumar Yadav and Jattu Yadav and in a planned manner, they called the deceased at the place of occurrence and thereafter they murdered him by using several weapons and during technical investigation, the deceased was found in contact with this petitioner during the relevant time of commission of the alleged occurrence and the petitioner's mobile phone tower location was also found near the place of occurrence and during investigation, it came into light that there was some type of

enmity in between the petitioner and the deceased in connection with fuel business.

Having considered the seriousness of the occurrence which relates to brutal murder and during investigation, the petitioner's mobile phone tower location was found near the place of occurrence and as per the prosecution, the deceased was constantly in touch with this petitioner at the relevant time of commission of the alleged murder, in my opinion it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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