

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52051 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Dheeraj Kumar Son Of Late Brija Bharsah Resident Of Village- Bhusahula,
Ps- Ara Muffasil, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Ara Muffasil P.S. Case No. 117 of 2023 lodged under Sections
302, 201, 120B and 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against 6 named accused persons against whom there is
allegation that during the Haldi-Kalash ceremony of daughter of
Rajendra Sah, everybody was present, but the informant's
brother was not there and no one has disclosed about his
absence. In the early morning and upon *halla* that the blood has
scattered in the school field, the informant reached there and in
search, it has been seen that a dead body was kept in a ditch.
Subsequently, with the help of villagers and upon removing the

soil, the body of the informant's brother has been recovered. The cause of dispute has been disclosed in the F.I.R. itself that informant's brother has solemnized two marriage and due to land dispute, his both sons have always used to threaten and therefore, suspicion has been casted upon the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel submits that on early occasion, this Court has called for the case diary and it has been received. According to counsel for the petitioner there is no material found in the case diary. Counsel also submits that one co-accused Devanti Devi (second wife of the deceased) has been granted bail by the Co-ordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 48060 of 2023.

5. Counsel further submits that petitioner is in custody since 15.03.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that in Paragraph-28 of the case diary, the confessional statement of the other co-accused, namely, Suraj Kumar has come before the police in which he has disclosed the entire *modus operandi* of the crime.

7. Upon going through the same, it transpires to this

Court that though it is a case of circumstantial evidence, but role of petitioner in the said crime cannot be ruled out. As such, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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