

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59313 of 2021

Arising Out of PS. Case No.-468 Year-2019 Thana- BEUR District- Patna

Neeraj Kumar @ Niraj Kumar Son Of Prem Kumar Resident Of Mohalla -
Chiraiyatand Road No.- 3, P.S. - Jakkanpur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, AG

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 10-01-2023

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 302 and 201 of the Indian Penal Code.

As per the prosecution case, the informant's son Ashish Singh @ Pale went to meet his friend on motorcycle at Mithapur Bus Stand but when he did not return in time, the informant tried to search but he could not find him anywhere.



On 05.12.2019, in the morning the informant learnt that his son had talked to his friend Suraj Kumar in the evening 04.12.2019. The informant later learnt that a dead body was found in the drainage (Nala) at Nandlal Chhapra, which was sent to N.M.C.H by the police for postmortem. On information about the dead body, the informant along with his family members went to N.M.C.H and found that the said dead body was of his son Ashish Singh @ Pale. Accordingly, the FIR was registered.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. He has submitted that the petitioner is not named in the FIR. During the course of the investigation the name of the petitioner has sprung up in the confessional statement of the co-accused Suraj Kumar. There is nothing against the petitioner except the confessional statement. He has further submitted that there was a dispute regarding sharing of interest between the deceased and the accused persons but the petitioner had already taken his share of interest from the deceased. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the



informant in his re-statement and other witnesses in their statements have stated that the petitioner and the co-accused persons called his brother, committed murder and disappeared the dead body of the deceased in order to conceal the evidence under conspiracy with a view to grab money. He has submitted that the said occurrence took place with the association of the other co-accused persons.

Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the learned court below shall consider his application for bail in accordance with law without being prejudiced by this order.

The application stands rejected.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

