

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58354 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

MITHILESH KUMAR SINGH @ PINTU SINGH Son of Bajarangi Singh
Resident of Village- Maliksaray, P.S.- Chainpur, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Adv. Mr. Vipin Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Prashant Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-02-2023 This Court had heard at length, the learned Senior Counsel for the petitioner, the learned APP for the State as also the learned counsel appearing for the informant on 07.02.2023 and today the present has been listed 'For Orders'.

The petitioner seeks regular bail in connection with Chainpur P.S. Case No. 10 of 2022, registered for the offence punishable under Sections 302 & 120(B) of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, is that his son, namely, Sagar Anand Pandey, was posted as



Assistant Godown Manager at the Biscoman Godown situated at Chainpur and was residing in a rented house belonging to one Chanda Kunwar. It is alleged that the informant received information from Biscoman Department and Chainpur Police Station that his son is lying dead in his rented house, hence, he should come there immediately, whereafter the informant had gone at the alleged place of occurrence and had seen the dead body of his son, from which it appeared that he had been killed on account of him being strangulated by pressing his neck.

The learned Senior Counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 3.8.2022. The learned Senior Counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case merely on suspicion and on the basis of call detail report of his mobile phone, which is stated to be showing



that he was in contact with the deceased, however, it is submitted by the learned Senior Counsel for the petitioner that the call detail report shows the tower location pertaining to the mobile phone of the petitioner to be at a distance from the location of the deceased, hence, the petitioner is not having any complicity in the matter. It is further submitted by the learned Senior Counsel for the petitioner that the petitioner is PAC's President since past 12-13 years and no dispute has ever arisen before as also he used to have a talk and converse with the deceased from time to time on account of the nature of work of the petitioner herein.

Per contra, the learned APP for the State as also the Ld. Counsel for the informant have vehemently opposed the prayer for bail and have submitted, by referring to paragraph no. 41 of the case diary, wherein the statement of one Rajnish Kumar Singh, Kisan Salahkar, Chainpur Panchayat, has been recorded, that the said



witness has stated that on 11.1.2022, commotion had taken place and the farmers had created a ruckus on account of them having not received fertilizer and instead, fertilizer was being given out of turn by the petitioner, to some farmers, whereafter the petitioner and other co-accused persons had an altercation with the deceased and subsequently, it transpired that the deceased son of the informant has been killed. The learned APP for the State has also referred to paragraph no. 61 of the case diary to submit that the police had interrogated one Dadua Singh, who has disclosed that in the night of 11.1.2022 at about 7:35 pm., the deceased along with the co-accused person, namely, Rahul Singh and the petitioner herein had come to his house where coupons for delivery of fertilizer, pertaining to 10-15 people, were issued and then, the deceased along with the petitioner and one other co-accused person had left his place and next day, he came to know that the son of the informant, namely, Sagar Anand Pandey, has



been killed. It is also submitted that from a bare perusal of the call detail records of the mobile phone of the petitioner and the deceased, it is apparent that both were present near the place of occurrence. It is also submitted by referring to paragraph no. 93 of the case diary that the phone location of the petitioner was found to be near the place of occurrence. It is also pointed out that the petitioner had threatened the deceased for having committed irregularity in the distribution of fertilizers. It is next contended that the death of the deceased occurred on account of strangulation, which stand corroborated from the postmortem report. It has also been contended that the petitioner was last seen in the company of the deceased, which also raises a strong presumption of the complicity of the petitioner in the alleged crime. Lastly, it is submitted that a coordinate Bench of this Court, vide order dated 16.11.2022, passed in Criminal Miscellaneous No. 39855 of 2022, has rejected the prayer of bail of a similarly situated co-



accused person, namely, Rahul Kumar Singh @ Madhukar, hence, the present petition is also fit to be dismissed.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary apart from considering the specific and relevant materials collected during the course of investigation, as has been pointed out by the learned APP for the State, by referring to the relevant portions of the case diary, this Court finds that ample materials are available on record to suggest the complicity of the petitioner in the alleged crime and moreover, the prayer of a similarly situated co-accused person for grant of bail, has already been rejected by a coordinate Bench of this Court, as aforesaid, hence, I am not inclined to grant bail to the petitioner, thus, the present petition stands dismissed.



Nonetheless, considering the liberty granted by a coordinate Bench of this Court, by the aforesaid order dated 16.11.2022, passed in Criminal Miscellaneous No. 39855 of 2022, to the petitioner of the said case, to renew his prayer for bail, in case there is no significant progress in the trial during the next six months, I deem it fit and appropriate to grant the same liberty to the petitioner herein.

(Mohit Kumar Shah, J)

Ajay/-

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

