

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64816 of 2023**

Arising Out of PS. Case No.-77 Year-2023 Thana- HATHAURI District- Samastipur

Vikash Kumar Son Of Ganesh Mandal Village- Bela Ps- Hathouri Dist-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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

ORAL ORDER

2 12-10-2023 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Hathauri P.S Case No. 77 of 2023 dated 19.05.2023 registered for the offences punishable u/s 302 read with 34 of the Indian Penal Code.

3. As per the prosecution case, on 18.05.2023 at about 9 P.M., the petitioner and the co-accused person Dasrath Sahni boarded on a motorcycle came to the door of the informant's house and took her husband on the said motorcycle. But her husband did not return till morning and the dead body of her husband was found in the field of *mung*. The informant has claimed that the petitioner and the co-accused person, Dasrath



Sahni along with 4 to 5 unknown miscreants in connivance with one another committed murder of the informant's husband by strangulating him due to previous enmity.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 20.05.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the deceased was lastly seen with the petitioner and the co-accused, Dasrath Sahni before his death. It is a case of last seen theory. It is further submitted that as per Para 25 of the case diary the petitioner has stated the *modus operandi* as to how the occurrence took place with his association of the co-accused persons.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am not inclined to enlarge this petitioner above-named on bail.

7. Learned Trial Court is directed to expedite the trial



and conclude the same preferably within 9 months.

8. The bail petition stands rejected.

(Chandra Prakash Singh, J)

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