

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69920 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- DIDARGANJ District- Patna

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Santosh Kumar S/O Kapildev Ray Resident Of Village- Didarganj,
Dharmshala, Check Post, P.S.- Didarganj, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1

For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-04-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under Section

302/34 of the Indian Penal Code.

The prosecution case as per F.I.R. is that on

01.06.2022, the informant's son went near the Ganga

river for celebrating picnic with all the F.I.R named

accused persons including the petitioner. Thereafter, the

dead body of his son was recovered from the bank of

river with stabbing injuries. The informant raised

suspicion that petitioner along with other accused

persons have killed his son.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case due to ulterior motive. The informant is not the eye witness to the occurrence. The petitioner was not apprehended from the spot. Nothing incriminating article has been recovered from the conscious possession of the petitioner and except suspicion, there is no direct and consistent material evidence against the petitioner. The petitioner is languishing in custody since 03.06.2022.

In contra, learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is named in F.I.R. and he took away the son of the informant from his house for enjoying picnic and thereafter inflicted knife blow to the victim along with other accused persons due to which, the son of the informant succumbed to the injuries. The independent witnesses in para 10 and 11 of the case diary have also stated about



the complicity of the petitioner in committing the murder of the informant's son. The petitioner and other accused persons have also confessed their guilt and the alleged knife and blood stained cloth were also recovered which is apparent from the seizure list which has been mentioned in para 7 and 18 of the case diary. The postmortem report also suggests that death is caused by hemorrhage and shock and it has been caused by a sharp and pointed weapon which clearly corroborates the prosecution case.

Considering the fact that there is specific accusation against the petitioner, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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