

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73039 of 2023

Arising Out of PS. Case No.-925 Year-2022 Thana- NAGAR District- Vaishali

MANISH KUMAR SON OF VINOD DAS RESIDENT OF MOHALLA-
WARD NO 10, ANDAR KILA HAJIPUR, PS- HAJIPUR TOWN, DISTT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023

Heard the parties.

2. The petitioner is in custody in connection with Hajipur Town P.S. Case No. 925 of 2022 for the offence under sections 302, 201 and 34 of the Indian Penal Code lodged on 11.12.2022 by the informant, Amarjit Kumar.

3. As per the prosecution story, the informant has alleged that his brother(deceased) had given loan of Rs. 30,000/- to the petitioner (Manish Kumar). As he was demanding the amount, on 10.12.2022, the allegation is that he was taken away by Manish Kumar to Hariharnath Temple by the boat on the pretext of returning the amount but he got a call from his brother that he is being assaulted by this petitioner as also other named accuseds and apprehended that he may be killed. Immediately



thereafter, his mobile was switched off. The informant rushed to search his brother near Konhara Ghat and saw the accused persons including this petitioner coming from Konhara Ghat on a boat. Although the other accused persons escaped, the informant succeeded in apprehending this petitioner and found the cloth to be wet with blood stains on the boat too. The petitioner further confessed to have killed the informant's brother and thrown the dead body in Gandak river. However, despite search, the dead body could not be found, FIR was lodged and the petitioner was handed over to the police.

4. Though, learned counsel for the petitioner tried to make out a case, learned APP submits that a bare perusal of the FIR would show that firstly, there was a loan amount that was to be paid to the informant's brother and on that pretext, he was taken away by the petitioner and later, the deceased himself made a call alleging assault by the petitioner and other accused persons and lastly, when the informant reached near Konhara Ghat, found them coming on a boat as also the blood stains could be seen on the boat. He as such submits that it would be appropriate that the petitioner faces trial.

5. Considering the kind of allegation that has come against the petitioner, as stated above, this Court is not inclined



to extend him privilege of bail which is accordingly, rejected.

6. However, since the petitioner is in custody since 12.12.2022 (as stated in paragraph 25 of the petition), the trial court must ensure that the trial is concluded without any delay and preferably within a period of nine months from today.

7. The bail application stands rejected.

(Rajiv Roy, J)

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