

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.163 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- PUNPUN District- Patna

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DHIRAJ KUMAR Son of Ramjee Saw R/V- Jatdumari P.s-Punpun Dist-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Nandan Pandit, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Punpun
P.S. Case No. 231 of 2022 dated 05.07.2022 registered for the
offence under Sections 365 and 34 of the Indian Penal Code but
charge sheet has been submitted under the offences punishable
under Sections 302, 21, 120(B) of the Indian Penal Code and 27
of the Arms Act.

The full brother of the informant is alleged to have
been kidnapped by the petitioner and others.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R., however, his name



transpired in this case on the basis of confessional statement of the co-accused, Khushboo Kumar and Brij Nandan Yadav. He further submits that except confession of the co-accused, no cogent material has surfaced against the petitioner during course of investigation to suggest his involvement in the alleged commission of murder of the full brother of the informant. He further submits that there is no eye witness to the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 07.07.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that on the basis of confessional statement of the petitioner, dead body of the deceased was recovered, therefore, the confession leading to recovery of the dead body of the deceased itself goes to show that the petitioner was involved in the commission of murder of the deceased.

A report with regard to present stage of the trial has been called for by this Court vide order dated 18.04.2023 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that out of eight prosecution witnesses, five have been examined.

Learned counsel appearing for the petitioner referring



to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 07.07.2022.

Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner taking note of the nature of offence and also the substantial progress in the trial. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the trial at the earliest.

(Rajesh Kumar Verma, J)

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