

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4978 of 2024

Arising Out of PS. Case No.-968 Year-2023 Thana- DANAPUR District- Patna

Vinod Kumar S/O Birendra Kumar @ Birendra Prasad @ Birendra Rai R/O
Village- Nasriganj, P.S- Danapur, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Rashmi, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in Danapur P.S. case No.
968 of 2023 instituted for the offences under Sections 302 and
201 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the father of
the deceased lodged a missing report that after receiving a call
on mobile, his son left the home but later did not return.
Thereafter on the basis of CDR of the mobile of the deceased,
when the police went to the house of the petitioner, the
petitioner accepted his guilt that owing to illicit relation with
his wife, the petitioner pushed the deceased in the river due to
which he drowned.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The name of the petitioner has transpired on the basis of his self confession made before the police which has no evidentiary value. This is a case of last seen. A missing report was lodged after three days of the occurrence. There is delay of 12 days in lodging the F.I.R. Learned counsel for the petitioner further submits that the petitioner is in custody since 22.07.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP has submitted that the name of the petitioner has transpired in this case on the basis of CDR of the mobile of the deceased. In paragraphs 51 and 53 of the case diary, several witnesses have stated that that they have seen the deceased with the petitioner on the date of occurrence. The dead body of the deceased has not been recovered. After completion of the investigation, on the basis of C.D.R., charge-sheet has been submitted against the petitioner under Sections 302 and 201 of the Indian Penal Code. Hence, the petitioner does not deserve bail.

6. Considering the nature and gravity of offence as



well as seriousness of the allegation, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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