

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12447 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- GORAU District- Vaishali

Rokky Kumar @ Sneh Kumar S/O- Upendra Paswan R/O- Village-
Bishunpur Arrar, P.S.- Goraul, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 14077 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- GORAU District- Vaishali

Upendra Paswan Son of Late Kantlal Paswan Resident of Village- Bishunpur
Arrar, Police Station- Goraul, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12447 of 2024)

For the Petitioner/s : Mr.Dharmesh Kumar, Advocate

For the State : Mr.Jharkhandi Upadhyay, APP

For the Informant : Mr. Santosh Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 14077 of 2024)

For the Petitioner/s : Mr.Dharmesh Kumar, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

For the Informant : Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH

ORAL ORDER

5 10-07-2024 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioners have preferred this application for
grant of regular bail in connection with Goraul P.S. Case No.
238 of 2023 dated 07.06.2023 registered for the offences
punishable under Sections 363, 365, 302, 120B and 201/34 of



the Indian Penal Code.

3. As per the prosecution case, on 07.06.2023 the informant's son Sujeet Kumar aged about 10 years was kidnapped by unknown miscreants when he had gone to Middle School, Vishunpur.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have committed no offence. The F.I.R. is against unknown and merely on suspicion, the petitioners have been falsely implicated in this case. The petitioners were not present at the time of occurrence rather they were in Jalpaiguri. There is no direct or indirect allegation against the petitioners. It is further submitted that the petitioner (Upendra Paswan) had earlier lodged Goraul P.S. Case No. 119 of 2018 under Sections 341, 323, 354B, 504, 506/34 of the I.P.C., Section 66E of the I.T. Act and Section 3(1)(x) of the SC/ST Act against the brother of the informant of the present case and due to that reason, the petitioners have been dragged in the this case. The petitioners have a clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 13.07.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioners. The dead body of the informant's son was recovered



during the investigation. From perusal of the para 89 of the case diary, it appears that there is picture of sharp daggers which are suspected to be the weapons used in the murder of the informant's son. The said picture was sent to the petitioner by the daughter of the co-accused Upendra Paswan. Similarly, from perusal of the para nos. 90 and 91 of the case diary, it appears that there were various calls and whatsapp chats with respect to the present case. From para no.115 of the case diary, it appears that there were video calls between the petitioners before and after the occurrence and the petitioners in connivance with each other committed murder of the informant's son under conspiracy due to earlier Goraul P.S. Case No. 119 of 2018.

6. Vide order dated 16.04.2024, a report with regard to the stage of the trial and how much time is required to conclude the trial were called for in connection with Goraul P.S. Case No. 238 of 2023 from the Court of learned A.C.J.M.-I, Vaishali at Hajipur.

7. In compliance of the aforesaid order dated 16.04.2024, a letter no. 32/24 dated 29.04.2024 from the Court of learned Additional District and Sessions Judge-VII, Vaishali at Hajipur with regard to the present stage of the trial has been received stating therein that out of seven prosecution witnesses, three prosecution witnesses have been examined and they have



supported the prosecution case and only three Investigating Officers have not been examined.

8. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the informant, this Court is not inclined to enlarge the petitioners on bail in connection with Goraul P.S. Case No. 238 of 2023, pending in the Court of the learned A.C.J.M.-I, Vaishali at Hajipur.

9. The learned court below is directed to conclude the trial preferably within a period of six months from the date of receipt/production of a copy of this order to the concerning Court.

10. Let a copy of this order be communicated to the S.P., Vaishali at Hajipur and the office in-charge of Goraul Police Station with a direction to ensure the production of the witnesses such as three Investigating Officers of the present case on the date fixed in the learned trial court so that the trial of the present case would be concluded within the stipulated period.

(Chandra Prakash Singh, J)

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