

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20164 of 2024

Arising Out of PS. Case No.-603 Year-2023 Thana- RAMPUR District- Gaya

PAPPU KUMAR Son of Jagdish Yadav Resident of Village-Kathautia, Police Station-Magadh Medical, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Aryan Singh, Advocate
For the Informant	:	Mr.Durgesh Nandan, Advocate
	:	Ms.Puja, Advocate
	:	Ms.Rashmi Kumari, Advocate
For the Opposite Party/s	:	Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 01-05-2024 Heard learned counsel for the petitioner, learned counsel for the informant, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Rampur P.S. case No. 603 of 2023 instituted for the offences under Sections 363, 365 of the Indian Penal Code and later Sections 302, 201, 120B of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged date and time, the petitioner had invited the son of the informant on a birthday party but he (informant's son) did not return.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case.



Learned counsel further submitted that there is a delay of four days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. He further submitted that there is no eye-witness to the occurrence and the whole prosecution story is based on the last seen theory. He further submitted that there is no recovery of any weapon/incriminating article from the possession or from the house of the petitioner. The recovery of dead body of the deceased is shown from the tank of the Sports Complex Gaya and only on the basis of self confessional statement of the petitioner he was arrested in this case. Learned counsel further submitted that the petitioner has no concern with the place from where the recovery of dead body of the deceased has been made and the same is a public place. Charge-sheet has been submitted in this case under Sections 364, 302, 201, 34 of the Indian Penal Code. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.09.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant submitted that the petitioner himself confessed his guilt and narrated the



manner in which the occurrence took place and this fact is also corroborated by the post-mortem report of the deceased. Learned counsel for the informant referred paragraph nos. 92, 94 and 96 of the case dairy and submitted that there is ample evidence against the petitioner that he along with other co-accused committed the murder of the deceased and thrown the dead body in the tank of the Sports Complex Gaya.

6. Having considered the submission canvassed by both the parties and the material available on record, and the nature and gravity of offence, this Court is not inclined to grant bail to the petitioner.

7. Prayer is rejected.

8. Learned trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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