

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28331 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- RIGA District- Sitamarhi

Seraj S/o Md. Mumtaj @ Md. Mumtaj Ali Resident of Village- Sonapatti
Ward No. 10, Police Station- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 25-10-2024 Heard learned counsels for the parties.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 302, 201, 120B and 34 of the Indian Penal Code.

3. The prosecution case in brief is that on 03.09.2023 at about 16:00 o' clock while the informant was at his fruit shop with his son Altaf Rain (deceased) then all the F.I.R. named accused persons, including this petitioner, came there and took Altaf Rain with them on motorcycle. It is further alleged that on 04.09.2023 at about 11:00 o' clock the informant got information that one dead body is lying at the railway line in north of Islampur. Thereafter, the informant went there and identified that the dead body is of his son. The informant alleges that due to previous money dispute, all the F.I.R. named accused



persons, including this petitioner, have murdered the son of the informant and threw his dead body and have also stolen his motorcycle.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner has been falsely implicated in this case merely on suspicion. No such occurrence as alleged has taken place and the entire prosecution is false and concocted. It is next submitted that the alleged occurrence took place on 03.09.2023 at about 4 PM and the dead body of son of the informant has been recovered on 04.09.2023 but the informant has given his fard beyan to the police on 05.09.2023 at about 12:30 PM, which prima facie suggests that the F.I.R. has been lodged by the informant as an after thought. It is further submitted that the doctor who conducted the autopsy of the dead body of son of the informant has clearly stated that the cause of death is gushed injury caused by heavy running object, which shows that due to train accident, the son of the informant died. It is further submitted that admittedly the informant is not an eye witness of the alleged occurrence. Petitioner is in custody since 6.9.2023.

5. On the other hand, learned counsel for the State has opposed the prayer for grant of bail to the petitioner and



submitted that the petitioner is named in the F.I.R. and there is specific allegation against this petitioner that he took the son of the informant with him along with other accused persons on motorcycle and committed his murder and threw his dead body and also committed theft of the motorcycle.

6. Considering the aforesaid facts and circumstances, nature of accusation the prayer for grant of regular bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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