

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32783 of 2024**

Arising Out of PS. Case No.-207 Year-2023 Thana- BIHRA District- Saharsa

Prakash Kumar SON OF Umesh Poddar VILLAGE -BHATRANDBHA PS-
PARMANANDPUR DISTRICT -MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32857 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- BIHRA District- Saharsa

Mantun Yadav @ Manish Kumar Son of Sri Shailendra Yadav @ Shailendra
Kumar Resident of Village- Chittu, P.S.- Madhepura (Ghelard O.P.), Dist.-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32783 of 2024)

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Adv.
Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

(In CRIMINAL MISCELLANEOUS No. 32857 of 2024)

For the Petitioner/s : Mr.Alok Kumar Singh, Sr. Adv.
Mr. Bhola Kumar, Adv.

For the Opposite Party/s : Mr.Choubey Jawahar, APP

For the Informant in both cases: Mr. Binod Kumar Sinha, Adv.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

- 3 26-07-2024 1. As these two bail petitions have arisen out of the same P.S. case, hence the prayer for bail made by the petitioners is being disposed of by a common order.
2. Heard the parties.
3. Petitioners seek regular bail in connection with



Bihara P.S. Case No. 207 of 2023 dated 12.11.2023 registered for the offence(s) punishable under Section(s) 364, 302, 120B and 201 of the Indian Penal Code.

4. Mr. Krishna Prasad Singh, learned senior counsel for the petitioner, Prakash Kumar submits that petitioner has got no criminal antecedent and he is not named in the F.I.R. and during the course of investigation, his name surfaced in the statement of co-accused, Mantun Yadav @ Manish Kumar and except this, there is no material to connect him to the alleged offence. It is further submitted that petitioner has been languishing in jail since 13.11.2023 and the prosecution has failed to show the motive of the petitioner to be involved in the alleged crime. In fact, petitioner is a vegetable vendor and he has been falsely implicated in this case. Learned senior counsel further submits that the dead body of the deceased was recovered in two pieces on the railway track which suggests that the deceased died due to the train ran over him.

5. Mr. Alok Kumar Sinha, learned senior counsel for the petitioner, Mantun Yadav @ Manish Kumar submits that against the petitioner there is no material and the evidence of some independent persons who have claimed that this petitioner and others assaulted the victim at the relevant time is not



believable as they remained silent even after noticing the victim being assaulted by the accused persons and even did not inform the police. It is further submitted that petitioner has got fair and clean antecedent and he has been languishing in jail since 13.11.2023 and he has no motive or reason to be involved in the alleged crime.

6. Mr. Bishweshwar Ram, Mr. Choubey Jawahar learned APPs appearing for the State and Mr. Binod Kumar Sinha, learned counsel for the informant opposed the bail prayer and referred to some paragraphs of the case diary showing statement of some material witnesses.

7. Having regard to the seriousness of the occurrence which relates to offence(s) under section(s) 364 and 302 of the IPC and during investigation, some material witnesses, mentioned in paragraphs 34, 61 and 62 of the case diary claimed to have seen the petitioners assaulting the victim, in my opinion, the petitioners do not deserve to the privilege of bail. Accordingly, their prayer stands rejected.

(Shailendra Singh, J)

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