

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35950 of 2024

Arising Out of PS. Case No.-610 Year-2022 Thana- KOILWAR District- Bhojpur

Dhiraj Kumar Singh @ Dheeraj Kumar Singh S/o Kaushal Kumar Singh @
Kaushal Singh R/o vill - Bhakura, P.S. - Ara Muffasil, Distt. - Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ravindra Kumar

For the Opposite Party : Mr.Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 21-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Koilwar P.S. Case No. 610 of 2022 dated 26.09.2022 registered for the offence punishable under Sections 302/34 of the I.P.C.

3. As per the prosecution case, on 25.09.2022, the son of the informant, namely, Aasin Raj alias Manish Kumar alias Chinese was at his home and he used to keep his father's Mobile Nos. 7643081959 and 9693196593. In the morning at 10.00 A.M., a call was received by him on the said mobile phone and thereafter, he left his house. When he did not return till night, the informant and his family members started searching him. In



course of search, on 26.09.2022 at 9.00 A.M. in the morning, they came to know that the dead body of the son of the informant was found under a Siris tree near a boring of one Niraj. The informant suspected that his son was killed with iron rod etc., by the person who called his son on mobile phone and other 3-4 unknown persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the present case merely on the basis of the confessional statement of co-accused Vickky Singh. Except for this confessional statement, there is no other evidence to suggest the implication of the petitioner in the present case. It is further submitted that co-accused Vickky Singh in his confessional statement has not stated regarding any role against the petitioner. It is a case of last seen theory. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 16.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the cause of death is shock and haemorrhage due to above mentioned ante-mortem injuries caused by hard heavy and blunt



substance. It is further submitted that the petitioner and the co-accused persons namely Vickky Singh and Ashish Pandey @ Ajay Pandey were seen taking away the deceased on 25.09.2022 at 10.00 A.M. as per para nos. 56, 57 and 58 of the case diary. Earlier anticipatory bail of the petitioner has already been rejected by this court vide order dated 31.10.2023 passed in Cr. Misc. No. 17646/2023.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Koilwar P.S. Case No. 610 of 2022, pending in the court of learned C.J.M., Bhojpur at Ara.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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