

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36423 of 2024

Arising Out of PS. Case No.-303 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Babul Kumar SON OF LATE DHANIKLAL DAS @ ANIK LAL DAS R/O
VILLAGE- Rajopur (RAJUPUR), P.S.- KHODAWANDPUR (CHHORAHI
O.P.), DIST- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s	:	Mr.Suman Kumari Singh, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioner seeks regular bail in connection with
K. Hodawandpur (Chhorahi O.P.) P.S. Case No. 303 of 2022,
lodged on 20.10.2022 under Sections 498A, 363, 365/34 of the
Indian Penal Code and subsequently Sections 302, 201/34 of the
Indian Penal Code have also been added.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons. The informant has
alleged in the FIR that the marriage of her daughter was
solemnized with the petitioner on 28.03.2021. From the said
marriage, her daughter has one male child. Subsequently, the
informant has been informed by the villager of her daughter's in-



laws that since 20.10.2022, her daughter is traceless from the house.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. In the present case, the FIR has been lodged against him merely on suspicion. He further submits that the petitioner is in custody since 01.07.2023 and there is one criminal antecedent against him in which, he is on bail. He further submits that the said case was filed against him when he was a juvenile. Therefore, the case which was filed against the petitioner when he was a juvenile cannot be treated as an offence against him. Counsel further submits that save and except, the confessional statement against the petitioner, there is no material against him. This statement is absolutely confessional and there is no corroboration of the same. Learned Counsel further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. He further submits that from the marriage, he has one male child aged about four years and there is no one in the family to look after him except the old mother who is working as a Cook in the local school.

5. Learned Counsel for the Informant submits that the FIR has been lodged on 20.10.2022 and confession has come on



30.06.2023 in which the petitioner has confessed his guilt and has disclosed the entire *modus oprandi* of the commission of the crime before the police. It has also been disclosed that after killing the informant's daughter, her dead body was burnt. He further submits that the occurrence is of 2022 and confession is of June, 2023 in such a long period, it is impossible to find out the dead body.

6. Learned Counsel for the State opposes the prayer for bail and submits that in the confession everything has come and a report has been called for with regard to the present stage of the trial.

7. From perusal of the report, it transpires that the cognizance has been taken on 22.08.2024 and the case is pending for supply of police paper and commitment for the trial.

8. In the present facts and circumstances of the case, I am not inclined to grant regular bail to the petitioner.

9. Accordingly, the prayer for regular bail of the petitioner in connection with K. Hodawandpur (Chhorahi O.P.) P.S. Case No. 303 of 2022, pending before the learned SDJM, Manjhaul (Begusarai) is hereby rejected.

10. The informant is directed to produce himself with



other witnesses for examination. The Trial Court is directed to
frame the charge as early as possible and conclude the trial
preferably within a period of nine months from today.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

