

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36014 of 2024

Arising Out of PS. Case No.-802 Year-2023 Thana- RAJIVNAGAR District- Patna

Aakash Kumar Son of Balram Prasad @ Amar Nath R/o Village-Ramjee Chak, PS-Digha, District-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 41383 of 2024

Arising Out of PS. Case No.-802 Year-2023 Thana- RAJIVNAGAR District- Patna

Kisan Kumar @ Kishan Kumar S/O- Ranjeet Prasad Gupta @ Munna Saw @ Munna Kumar @ Ranjit Kumar R/O Vill.- Ramjichak, P.S.- Digha, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 36014 of 2024)
For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Adv.
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP
(In CRIMINAL MISCELLANEOUS No. 41383 of 2024)
For the Petitioner/s : Mr. Jyoti Ranjan Jha, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State in both the cases.

2. The petitioners of both the cases (Cr. Misc.
No.36014 of 2024 and Cr. Misc. No.41383 of 2024) seeks
regular bail in connection with Rajiv Nagar P.S. Case No. 802 of
2023, lodged on 15.12.2023 under Sections 302, 34 of the



Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against one named accused person (petitioner of second case i.e. Cr. Misc. No.41383 of 2024) and one unknown accused person. The allegation in the FIR is that the informant has disclosed that his son was released from jail on 14.12.2023 and thereafter, he went to the barber shop and on 15.12.2023 at about 02.30 p.m., one Kisan Kumar (petitioner of second case) along with one unknown person have brought the informant's son in the state of unconsciousness and then the informant has taken his son to the hospital where the doctor declared him dead.

4. Learned counsel for the petitioner of first case i.e. Cr. Misc. No.36014 of 2024 submits that the petitioner is innocent and has committed no offence. Counsel also submits that there is no whisper against the petitioner in this case and only by virtue of suspicion, his name has figured in this case. Counsel further submits that the criminal antecedent of the petitioner is clean and he is in custody since 16.12.2023.

5. Learned counsel for the petitioner of second case i.e. Cr. Misc. No.41383 of 2024 submits that the petitioner is innocent and has committed no offence. Counsel submits that the allegation against the petitioner of this case is that he has



brought the informant's son to his house by motorcycle in the state of unconsciousness, but subsequently, when the informant took his son to the hospital, Doctor declared him dead. Counsel further submits that there is nothing specific against the petitioner. Counsel submits that there is no recovery of any weapon and the cause of death has not been ascertained. Counsel submits that in providing help to the informant's son, the petitioner become accused in this case. Counsel further submits that the criminal antecedent of the petitioner is not clean and there is one criminal case pending against him which is of different nature in which he is on bail. The petitioner is in custody since 16.12.2023. Counsel also submits that there is violation of recording of statement under section 162 of Cr.P.C. as well as there is defect in the collection of seizure list.

6. Learned APP for the State opposes the prayer for bail of the petitioners of both the cases and submits that *vide* order dated 15.05.2024, case diary and post-mortem report has been called for. He submits that from the bare reading of the FIR, no offence has been constituted against any of the accused person, but from the perusal of the case diary, it become crystal clear that petitioners of both the cases are responsible for committing this offence. Counsel further submits that confessional statement has come in paragraph no.19 of the case



diary and murder weapon used in commission of crime has been recovered where the accused persons have thrown as per paragraph no.20 of the case diary. The modus operandi of the crime by way of inserting injection with medicine in the body of the informant's son has been confessed and the said injection and medicine has also been recovered where the accused persons have thrown.

7. As such, the confession made by the accused in paragraph nos.19 and 27 of the case diary has been corroborated from the recovery of weapon used in the commission of crime. Counsel submits that in the confession, it has been accepted that who has committed the crime and all such act has been done in connivance with each other in which accused of Cr. Misc. No.36014 of 2024 and accused of Cr. Misc. No.41383 of 2024, both are involved.

8. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioners of both the cases.

9. Accordingly, the prayer for regular bail of the petitioners of both the cases i.e. Cr. Misc. No.36014 of 2024 and Cr. Misc. No.41383 of 2024 in connection with Rajiv Nagar P.S. Case No. 802 of 2023, pending before the learned A.C.J.M.-II, Patna are **hereby rejected** with liberty granted to the petitioners



of both the cases to move for bail after availability of viscera report.

10. The Trial Court is directed to expedite the trial.

(Dr. Anshuman, J)

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