

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37538 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- AGRER District- Rohtas

Jagu Singh, aged about 53 years, Male, Son Of Late Vidhi Singh, Resident Of Village - Akashi, P.S. - Agrer, District - Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39291 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- AGRER District- Rohtas

1. Jitendra Kumar @ Jetendra Singh, Aged About 26 Years, (Male) Son Of Mahendra Singh, Resident of Village- Akashi, PS- Agrer, Dist- Rohtas
2. Sachin Kumar, aged about 21 years, Gender-Male, Son Of Rabinder Singh, resident of Village- Akashi, PS- Agrer, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37538 of 2024)

For the Petitioner/s : Mr. Devendra Kumar Sinha, Senior Advocate
Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 39291 of 2024)

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 01-08-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are in custody in a case registered
for the offence punishable under Sections 147, 148, 302, 436
and 427 of the Indian Penal Code.

3. As per allegation in the FIR, it is a case wherein a
child name Shivam Kumar went missing, the child was not



found but on search the dead body of the child was found outside the house of the deceased and the villagers out of fit and anger started lynching, one Chinta Devi, who got injured severely by the villagers and later on died due to assault inflicted upon her and further the mob of the villagers also burnt the motorcycle of the deceased's family and destroyed various articles of the house of the deceased.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next submits that the police has recorded the confessional statement of the petitioners along with others merely on the basis of suspicion and remanded them to judicial custody and there is no any cogent materials against the petitioners to connect them with this case. He next submits that the petitioner and his family members saw the dead body of his son, namely, Shivam Kumar and they became shocked and senseless and were not able to do anything other than crying and weeping on the loss of child. Petitioners are in custody since 05.03.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the petitioners are involved the murder of the deceased and allegation against the petitioners are very serious in nature.

6. On perusal of the first information report, postmortem report of the deceased, case diary and impugned



order dated 24.04.2024, it appears that the petitioners were indulged in assaulting the deceased. The postmortem report of the deceased suggest that the deceased was badly assaulted on the head and the deceased died due to shock caused by injury by very very hard and blunt substances of very heavy object, suggesting that the petitioners and other co-accused persons mercilessly assaulted the deceased. In furtherance of the occurrence, the mob has also destroyed the house of the deceased and put the motorcycle on fire. The witness Shobha Devi has recorded her statement before police wherein she has supported the allegation against the petitioners and the police has recorded the confessional statement of petitioners and other co-accused persons that all of them have confessed their guilt before the police and their indulgence in the alleged occurrence and the witnesses have also supported the case of the prosecution, considering the fact that mob lynching is a heinous offence, I am not inclined to grant bail to the petitioners.

7. Prayer for regular bail of the petitioners is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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