

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40677 of 2023

Arising Out of PS. Case No.-925 Year-2022 Thana- NAGAR District- Vaishali

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PANDIT KUMAR @ KRISHNA KUMAR @ KRISHN KUMAR Son of
Chhedi Sahni @ Manoj Sahni Resident of Nalchash Chowk Andarkila Bharat
Bharti School, P.S. - Hajipur Town, Distt. - Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

10 10-05-2024

Heard the parties.

2. The petitioner is in custody in connection with
Town P.S. Case No. 925 of 2022 for the offence under sections
302, 201 and 34 of the Indian Penal Code lodged on 11.12.2022
by the informant, Amarjit Kumar.

3. As per the prosecution story, the informant has
alleged that his brother(deceased) had given loan of Rs. 30,000/-
to Manish Kumar. As he was demanding the amount, on
10.12.2022, the allegation is that he was taken away by Manish
Kumar to Hariharnath Temple by the boat on the pretext of
returning the amount. However, he got a call from his brother
that he is being assaulted by this petitioner and other named
accused persons and apprehended that he may be killed.



Immediately thereafter, his mobile was switched off.

4. The informant rushed to search his brother near Konhara Ghat and saw the accused persons including this petitioner coming from Konhara Ghat on a boat. Although the other accused persons escaped, the informant succeeded in apprehending Manish Kumar and found the cloth to be wet with blood stains on the boat too. He further confessed to have killed the informant's brother and thrown the dead body in Gandak river with the help of this petitioner and other accused. However, despite search, the dead body could not be found, FIR was lodged.

5. Learned counsel for the petitioner submits that loan was taken by Manish Kumar, on the pretext of returning the amount he had taken the victim (deceased), it is unbelievable that the deceased make a call and informed about everything.

6. However, learned counsel for the informant submits that he is named accused in the FIR and actively participated in the assault which led to the death of the informant's brother. He further submits that similar placed Chedi Sahni @ Prashant Kumar who was also an associate of Manish Kumar, his case was considered and rejected vide order dated 23.11.2023 in Cr. Misc. No. 73500 of 2023. He further submits that even Manish



Kumar is in custody and his bail petition vide Cr. Misc. No. 73039 of 2023 also stands rejected.

7. Taking into account the aforesaid facts, it would be appropriate that the petitioner faces trial.

8. A perusal of the order of Cr. Misc. No. 73500 of 2023 would show that certain directions were given to the Trial Court for conclusion of the trial.

9. The Court expects that the trial court shall seriously take into account the direction given and conclude the trial as early as possible and preferably within the said time frame.

10. The bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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