

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42253 of 2024**

Arising Out of PS. Case No.-718 Year-2022 Thana- CHAPRA TOWN District- Saran

Vivek Kumar @ Vivek Noniya Son Of Vijay Kumar Village- Dahiyawan,
Mahmud Chauk, P.S.- Chapra Town, Distt.- Saran At Chapra (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

5 25-10-2024 Heard learned counsel appearing on behalf of

the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2.The accused/petitioner is not named in the

F.I.R. and apprehending his arrest in connection with

Chapra Town P.S. Case No. 718 of 2022 registered for

the offences punishable under Sections 302, 201 & 34

of the Indian Penal Code.

3. As per F.I.R., the son of informant was

missing since 27.10.2022, where after three days of

reporting occurrence to police, his decomposed dead

body was recovered which was remaining only with its



skeleton.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case as he was named during the course of investigation out of oblique motive without having any cogent material. It is submitted that entire basis of implication is the hearsay input of one Hussain Khan, who informed informant that he saw his son, with this petitioner and other unknown co-accused persons before occurrence but said Hussain Khan was not examined during the course of investigation by police. It is submitted that on the basis of said suspicion the confessional statement of petitioner was obtained during the course of investigation, where in furtherance of no incriminating material recovered/surfaced so as to connect this petitioner, *prima facie*, with present occurrence of murder. It is submitted that even the dead body of the son of deceased found in decomposed condition with skeleton only and no cause of death was



ascertained. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

5. Learned APP, while opposing the prayer of bail submitted that the name of petitioner transpired on the basis of confessional statement of co-accused as he was found 'last seen' with deceased and further the investigation of this case is still open.

6. Considering the aforesaid facts and circumstances as the petitioner was found 'last seen' alongwith deceased, accordingly, the prayer of anticipatory bail of aforesaid petitioner is rejected herewith.

(Chandra Shekhar Jha, J)

Suruchi Kumari/-

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