

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54819 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- DANAPUR District- Patna

Sonu Kumar @ Kallu Kumar Son Of Sri Mantosh Sao @ Santosh Sao @
Santosh Pd. Gupta Village- Purani Bazar, Sangatpur Masaurhi, Ps- Masaurhi,
Dist- Patna At P/S- Sultanpur Math, Near Bishnu Kirana Store, Ps- Danapur,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-10-2024 Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Danapur P.S. Case No. 288 of 2024 for the offence under Sections 302 and 201/34 of the Indian Penal Code lodged on 21.03.2024 by the informant, Nageshwar Mochi.

3. As per the prosecution story, the informant alleged that his son Shrem Kumar went missing later behind the Lalkothi in a bush the dead body was recovered. The F.I.R. accordingly came to be lodged.

4. Learned counsel for the petitioner submits that he has no role to play in the matter, there is no eye witness to the occurrence and only the basis of circumstantial evidence, he has been implicated. Further, the confessional statement has no value in the eyes of law.



5. Mr. Bharat Bhushan, learned APP on the other hand has taken this Court to the case diary which was earlier called for by the coordinate Bench in which he has detailed out the entire story which led to the killing of the son of the informant. The accused persons were habituated to smack. Three accused persons including the petitioner were fed up with the attitude of the deceased.

6. On that particular day, they assembled to take the injection of the smack, the three accused ensured that they do not to take the injection whereas the deceased took two injections. Once he was unconscious, the accused including the petitioner ensured his killing and the head was severed from the body. They wanted its disposal but only due to the light in the campus they chose to retreat. The body was subsequently recovered.

7. The kind of allegation that has come against the petitioner which led to the killing of an innocent person, no relief can be granted to him, the bail application stands rejected.

8. As the petitioner is in custody, it would be appropriate that the Trial Court take the trial to its logical conclusion at an earliest.

(Rajiv Roy, J)

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