

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59077 of 2024

Arising Out of PS. Case No.-855 Year-2023 Thana- BANKA District- Banka

RAHUL KUMAR PODDAR S/O NAND LAL PODDAR R/O VILLAGE-
VIJAYNAGAR, POLICE STATION- BANKA, DISTRICT- BANKA,
DISTT.- BANKA.

... .. Petitioner/s

Versus
THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 60135 of 2024

Arising Out of PS. Case No.-855 Year-2023 Thana- BANKA District- Banka

Badal Poddar @ Badal Kumar Son of Nand Lal Poddar R/V-village-
vijaynagar, PS- Banka, District Banka at present residing at Jagatpur, P.S.-
Banka, District Banka

... .. Petitioner/s

Versus
The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59077 of 2024)

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Nawal Kishore Prasad

(In CRIMINAL MISCELLANEOUS No. 60135 of 2024)

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 325-10-2024
1. Heard the parties.

2. Since both the applications arise out of the same F.I.R., as

such, both the cases have been taken up together and are being



disposed of by this common order.

3. The petitioners seek regular bail in connection with S.T. No. 223 / 2024 arising out of Banka P.S. Case No. 855 of 2023 dated 30.12.2023 registered for the offence under Sections 302, 201, 120(B) of the I.P.C.

4. The prosecution case in short is that on 29.12.2023 at 7:00 P.M. in the evening the son of the informant namely, Rishabh Kumar went outside the house to attend a birthday party but till late night he did not return. On the next day i.e. 30.12.2023, the informant got information that a dead body was hanging on Kahva tree near Mahisadih airport. Thereafter, he went there and found the body of his son.

5. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case on the basis of mere suspicion and village politics. The petitioners are not named in the F.I.R. The F.I.R. has been lodged after recovery of the dead body. There is no eye witness to the occurrence. Even the informant is not an eye witness. He submits that no direct or indirect or circumstantial evidence against the petitioners has come during the investigation. There was no motive for the petitioners to commit the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner.



The petitioners are in custody since 06.01.2024.

6. I have heard learned counsel for the petitioners and perused the materials on record.

7. This Court vide its order dated 30.08.2024 in Cr. Misc. No. 59077 of 2024 has called for the case diary, which has been received and kept on record. The confessional statement of the petitioners- Rahul Kumar Poddar and Badal Poddar @ Badal Kumar has been recorded in paragraph nos. 31 & 32 of the case diary wherein they have confessed their guilt and have elaborately stated about the manner in which they committed the offence. Learned A.D.J. -III, Banka in the impugned order has taken note of the fact that the SDPO, Banka in paragraph no. 53 of the case diary has found the case true against the petitioners. Both the petitioners have got one criminal antecedent to their credit, which has been mentioned in paragraph no. 3 of the bail application.

8. In view of the facts and circumstances, I am not inclined to enlarge the petitioners on regular bail. The same stands rejected.

9. It is expected that the learned trial court shall conclude the trial expeditiously preferably within a period of one year from today.



10. However, if the trial is not concluded within one year, the petitioners shall be at liberty to renew their prayer for bail after one year.

(Anil Kumar Sinha, J)

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