

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60695 of 2024

Arising Out of PS. Case No.-912 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Devanand Kumar @ Golu Yadav @ Baba, Male, aged about 29 years, Son of Bachchu Rai, Resident of village - Bhartiya Nagar Batraha, Ward No.- 26, P.S.- Saharsa Sadar, Dist.- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party : Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 912 of 2023 dated 20.12.2023 registered for the offence punishable under Section 302 of the I.P.C.

3. As per the prosecution case, on 18.12.2023 at about 9.00 A.M., the elder son of the informant, namely, Ajay Kumar @ Golu Kumar, went with his friends and at 12.30 hours in the afternoon, he and his friend Golu Yadav @ Baba (petitioner) informed on the mobile of the informant's younger son that he will return his home at 3-4 P.M. It is further alleged that in the meantime, one unknown person informed on the mobile of the informant's younger son that the dead body of his brother in three pieces was lying on the railway track near the *Parminiya*



Halt. The informant and others went there and found the dead body of her elder son on the railway track. The informant came to know through the villagers that the dead body of her son carried by yellow colour Tata Indigo Car bearing Registration No. BR-01AT-6364 by some unknown miscreants and dropped on the railway track. It is further alleged that the vehicle, chain and mobile of her son were found missing by unknown miscreants.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. There is general and omnibus allegation against the petitioner. There is no eye witness to the alleged offence. The F.I.R. is lodged against unknown. The petitioner is not named in the F.I.R. It is further submitted that during the course of investigation, only on the basis of mere suspicion, the petitioner was arrested and police forcibly took his signature on a plain paper and later on made his confessional statement. Except this confessional statement, there is no cogent material to suggest his implication in the present case. The confession of the accused before the police is not substantive evidence as per the Evidence Act. No incriminating article has been recovered from his possession. He has no concern with the alleged



offence. The real fact is that the informant's son died due to railway accident and later on the informant cooked a false story about the implication of the petitioner. The petitioner and the deceased were friends and neither the family member of the deceased nor the deceased complained against him earlier but in connivance of the petitioner, the informant has falsely implicated the petitioner in the present case. It is further submitted that in absence of evidence, police arrested the petitioner mere on CDR while the petitioner and the deceased were the friends and both used to talk on mobile everyday. The petitioner has four criminal antecedents and in three cases, he is on bail and in one case he is on police bail. The petitioner is in custody in this case since 13.03.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner and has submitted that it has come in paragraph no. 85 of the case diary that the tower location of the mobile numbers of the petitioner and the deceased are the same on the alleged date of occurrence.

6. Considering the aforesaid facts and circumstances of the case and the finding substance in the learned A.P.P. for the State, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Saharsa Sadar P.S. Case



No. 912 of 2023, pending in the court of learned C.J.M.
Saharsa.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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