

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59231 of 2023

Arising Out of PS. Case No.-726 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Jai Prakash Kumar @ Jai Prakash Pandit S/O Premchand Pandit @
Premchandra Pandit R/O Village- Rahuwa, Ward No. 6, (RAHUA)
(RAHOUA), P.S- Sahebpur Kamal, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 24-01-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has prayed for bail in connection with
Town P.S. Case No. 726 of 2022 instituted for the offence under
Sections 364, 120(B) and 34 of the Indian Penal Code and later
on Section 302 of the IPC was added.

As per FIR, when the informant went to attend her
practical exam along with her husband by motorcycle and she
entered in the examination. When she returned after giving
exam, then she found that her husband was not there. During the
course of search, she came to know that her husband has been
kidnapped by some miscreants one pistol point. Later on, dead
body of the informant's husband was found near a bush.



It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this present case. Informant is not the eye witness of the alleged occurrence and the petitioner is not named in FIR rather his name came into light in this case during the course of investigation on the basis of confessional statement of other co-accused person, namely, Praduman Kumar before the police. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 07.12.2022.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that During the course of investigation, the confessional statement of co-accused, namely, Praduman Kumar was recorded before the police who stated that he along with this petitioner abducted the informant's husband and thereafter killer him by pressing his neck with the help of mufflar and threw his dead body in a bush and after throwing the dead body of the deceased, they fled from there. From para-60 of the case diary, there has been recoveries of some documents of the deceased along with the admit card of his wife which was kept in the bag on the instance of co-accused. It is further submitted



from para-91 of the case diary, that this petitioner also confessed his guilt and said that he along with co-accused committed murder of the informant's husband. There is strong circumstantial evidence against the petitioner. During investigation, witnesses supported the prosecution case. The bail application of the co-accused, namely, Praduman Kumar has already been rejected by this Court vide order dated 03.01.2024 in Cr. Misc. No. 55266 of 2023.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite the trial and conclude the same within a period of nine months failing which, the petitioner will be at liberty to renew his prayer of bail.

(Sunil Kumar Panwar, J)

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