

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66603 of 2024

Arising Out of PS. Case No.-385 Year-2023 Thana- SURYAGARHA District- Lakhisarai

Ajay Kumar Son of Chunchun Yadav R/o Village- Ratnupur, pIpariya Tola,
P.S.- Surajgarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 13-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Suryagarha P.S. Case No. 385 of 2023 instituted for the offences
under Section 363 of the IPC later on added Sections 302, 201
and 120B of the Indian Penal Code.

3. As per prosecution case, some unknown persons
had kidnapped the minor son of the informant and later on his
dead body was recovered.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has
committed no offence. He submits further that the petitioner was
examined as witness, later on he was made accused. Further



submission of the learned counsel is that during investigation, it has emerged that mother of the deceased disclosed to the investigating authorities that in the evening of 20.10.2023, the petitioner and the deceased were present in the house but after some time, both became disappeared. The room of the petitioner was searched by the investigating authorities and some blood stained sands were recovered from a box kept in the room of the petitioner. Learned counsel has submitted further that after the recovery of the blood strained sand, the confessional statement of the petitioner was recorded, so the confession is not leading to recovery of the incriminating articles, rather the confessional statement is subsequent to the recovery. Learned counsel has also submitted that the report of F.S.L. is still awaited.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and submitted that the deceased and the petitioner both disappeared from their house and soon thereafter, the deceased became traceless which transpires from paragraph no. 15 of the case diary. Thereafter, the room of the petitioner was searched and blood stained sands were recovered from the room of the petitioner. Later on, he confessed his guilt giving vivid description of the entire occurrence in which the petitioner has inculpated himself along with his mother co-



accused Ruli Devi. On the disclosure of mother of the deceased, the room of the petitioner was searched blood stain sands were recovered and the petitioner has confessed his guilt. Petitioner is named in the FIR and there is specific overt act alleged against the petitioner of stabbing the deceased. During investigation, several witnesses have supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case and seriousness of allegation, this Court is not inclined to grant anticipatory bail to the petitioner.

7. The prayer is rejected.

(Nawneet Kumar Pandey, J)

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