

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70442 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- GOPALPUR District- Patna

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Ganesh Kumar S/o Rameshwar Yadav R/o Village- Balwapar, P.S.- Dhanarua,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP
For the Informant	:	Mr. Surendra Kumar Mishra, Advocate
	:	Mr. Sunil Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Gopalpur P.S. Case No. 115 of 2024 instituted for the offences under Section 363 of the Indian Penal Code and, thereafter, added under Sections 364, 302, 201 of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged date and time, the son of the informant namely, Rishabh Kumar as well as his neighbour's son namely, Kunal Kumar went missing and could not be traced.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of suspicion. Learned counsel further submitted that there is no eye-witness to the occurrence. Charge-sheet has been submitted under Sections 364, 302, 201 of the Indian Penal Code. It has been submitted on behalf of the petitioner that the petitioner is in custody since 31.03.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further referring to paragraph no. 62 submitted that this petitioner has himself confessed his guilt. Learned counsel further submitted that even the CDR location also supports that case of the prosecution as the mobile phone location of the petitioner was found near the place of occurrence.

6. Considering the aforesaid facts and circumstances of the case and also there being ample evidence available against the petitioner in the case diary, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is rejected.



8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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