

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70524 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Deepak Kumar S/O Sunil Mahto Resident of Village Dhanchhua P.S.
Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Pandey, Advocate
For the State	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Vijay Bardhan Pandey, Advocate
		Mr. Sudarshan Kumar, 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 as also learned counsel for the Informant.

2. The petitioner seeks bail in connection with G. B.
Nagar P.S. Case No. 312 of 2024 instituted for the offence under
Section 302 of the Indian Penal Code.

3. As per prosecution case, on the pretext of
celebrating birthday petitioner took the son of the informant and
murdered him by cutting his neck.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 21-06-2024. Petitioner is a
man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case due to previous enmity as would be evident from the FIR itself. There is no eye witness to the occurrence. It is submission of the petitioner's counsel that as per recital of the FIR, petitioner earlier threatened the informant to kill his son and in that circumstances, it is highly improbable that informant allowed his son to go with the petitioner. It is further submitted that from the place of occurrence, damaged motorcycle of the petitioner was seized by the police and that creates serious doubt towards prosecution case as it might be possible that informant son met with an accident.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that postmortem report corroborates with the allegation levelled in the FIR as the doctor has opined the cause of death due to hemorrhagic shock on account of injuries caused by sharp cutting weapon.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation against the petitioner corroborated with the postmortem report, this Court is not inclined to grant bail to the petitioner. Prayer is accordingly *rejected*.



8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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