

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2438 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- RAJAPAKAR District- Vaishali

Jai Kishun Ram S/o Late- Nageshwar Ram, R/o Village- Harpur, Hardas, P.S.-
Rajapakar, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner	:	Mr. Ajay Kumar Thakur, Sr. Advocate Mrs. Vaishnavi Singh, Advocate Mr. Prawin Kumar, Advocate
For the Opposite Party	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Ajay Kumar Thakur, the learned senior
counsel for the petitioner and Mr. Rabindra Kumar, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Rajapakar PS Case No. 235 of 2023, FIR dated
27.06.2023, registered for the offence punishable under Section
302 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the informant
received a confidential information regarding the murder of a
girl by her family members and the dead body being kept in
another house for disposal at appropriate time. It is further
alleged that for verification of the received information, the
informant along with other police personnel, patrolling



personnel and local chowkidar reached at the house in question and upon seeing the police party some persons managed to flee while other were apprehended. It is further alleged that in presence of villagers the house in question was searched and the dead body was recovered which was subsequently sent for *post-mortem*.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case, in fact, the petitioner is the father of the victim and as per the allegation in the FIR, the petitioner and other co-accused persons have killed the daughter of the petitioner and dead body was recovered from the house of the brother of the petitioner.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that prior to the lodging of the present FIR, the Rajapakar PS Case No. 212 of 2023 was instituted through which the petitioner has alleged that his daughter was kidnapped by someone and the statement of the recovered victim was recorded under Section 164 of the Cr.P.C. and it appears from the statement of the victim that in paragraph no. 3, 7, 8, 9, 16 and 17 of the case diary, all the prosecution witnesses has supported the case of the prosecution and apart



from that, in paragraph no. 10 of the case diary, the confessional statement of the mother of the victim namely, Sarita Devi was recorded, in which she has stated that she along with her husband (petitioner) had killed the victim namely, Sanjana Kumari. He lastly submits that petitioner has one more criminal antecedent other than the present one, but fairly admits that he is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that there is direct and specific allegation against the petitioner, I am **not** inclined to grant the privilege of anticipatory bail to the petitioner in connection with Rajapakar PS Case No. 235 of 2023, pending in the Court of Chief Judicial Magistrate, Vaishali at Hajipur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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