

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86587 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- BENIPATTI District- Madhubani

Amit Kumar Son of Chandeshwar Yadav Resident of Village- Kerwa, P.S.-
Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary
For the Informant	:	Mr. Abu Nasar
For the State	:	Nawal Kishore

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 31-01-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Benipatti Police Station Case No. 93 of 2023, disclosing offences under Sections 302, 201 and 34 of the Indian Penal Code.
3. As per the First Information Report, the F.I.R. named accused persons were indulged in the illegal trade of illicit liquor which was being objected by deceased son of the informant due to which there was some animosity between the accused persons and the informant's son. However, for the last few days, informant's son and the accused persons became friendly and on 07.05.2023, in



the night, the accused persons came at the door of the informant on two motorcycles and asked her son to accompany them for a marriage party. The informant's son left the house on the motorcycle of the petitioner but did not return till the morning whereas everyone had come back to the village. Upon inquiry by the informant from the petitioner and other accused persons, they told that they do not know anything about her son. The dead body of the informant's son was found abandoned on 08.05.2023.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of suspicion only and there is no eye-witness to the incident. There is no legal evidence against the petitioner except the suspicion raised by the informant and the confessional statement of the co-accused.
5. I have heard learned counsel for the parties and perused the material on record including the impugned order. From perusal of the impugned order, it appears that the co-accused Dukhi Yadav has confessed his guilt and as well as involvement of the petitioner in the present occurrence. On the basis of his statement, motorcycle,



which was used in the commission of offence, was also recovered. The call details record of the deceased and the co-accused also show that they were in contact with each other at the time and place of occurrence. In the case diary, at Para 64 and 65, witnesses have stated about the involvement of the petitioner and other accused persons in the illegal trade being the liquor mafia. In close proximity of time, inasmuch as less than twenty four hours, dead body of the informant's son was found who had left his home along with the petitioner and others. The petitioner has not given reasonable explanation regarding the death of the deceased.

6. Taking into consideration the aforesaid and having regard to the seriousness of allegation and the fact that investigation is still going on, I am not inclined to grant anticipatory bail to the petitioner.
7. Accordingly, the present anticipatory bail application of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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