

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3478 of 2025

Arising Out of PS. Case No.-288 Year-2024 Thana- SUPAUL District- Supaul

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1. Ashok Kumar Mishra Son of Sushil Mishra village-Parsarma, Ward no. 13, Ps- Supaul, Dist- Supaul
 2. Ashish Kumar Mishra son of Sushil Mishra village-Parsarma, Ward no. 13, Ps- Supaul, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshul, Sr. Advocate
Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey (App.84)

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in a case registered for the offences punishable under Sections 302, 201, 120-B/34 of the Indian Penal Code.

3. As per the FIR, the allegation upon the petitioners is that the petitioners along with other co-accused have killed the informant's father.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is no eyewitness to the occurrence and none has seen the petitioners committing any act leading to the death of the



deceased. The informant has nowhere stated the date his father went missing. Learned senior counsel has further submitted that despite the informant's father being missing and him arriving in his village on 29.04.2024, he did not feel it proper to file a missing report with the police. Suspicion against the petitioners has been expressed only after recovery of the dead body. Learned senior counsel has next submitted that the dead body was headless and there is nothing in the FIR to suggest how the same was identified. He has also submitted that there is no material against the petitioners for their involvement in the offence. Lastly, it has been submitted that the charge sheet has already been submitted in this case, the petitioners have clean antecedent and they have been in custody since 02.05.2024.

5. The learned APP for the State has opposed the prayer for regular bail of the petitioners and has submitted that the informant has supported the incident in his re-statement (para. 15 of the case diary). The other witnesses have also supported the incident in their respective statements (paras. 15, 16, 17 and 52 of the case diary) and have stated the involvement of the petitioners. The learned APP has further submitted that the co-accused Ashish Kumar Mishra has confessed the involvement of the petitioners in the incident in his confessional statement (para-



35 of the case diary) and on his identification, the severed head of the informant's father was recovered from a nearby well (para-46). The death review report (paras 6 and 46) and the post-mortem report (para. 76) also support the incident and after investigation, the involvement of the petitioners was found to be true and a charge sheet has been submitted.

6. Having heard learned counsel for the respective parties and on going through the materials available on record and also taking into account the nature of the allegation against the petitioners, I am not inclined to enlarge the petitioners on bail. Hence, their prayer for bail is rejected.

(Sourendra Pandey, J)

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