

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10105 of 2025

Arising Out of PS. Case No.-105 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Umesh Prasad S/O Suresh Bhagat @ Suresh Prasad Resident of Vill.- Baki Tikam,
P.S- Madhuban, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Pakridayal P.S. Case No.105 of 2024 (S.T. No.761 of 2024)
registered for the offences punishable under Section 302, 120-B,
34 of the Indian Penal Code.

3. As per the allegation in the FIR, on 26.04.2024
informant with his son (deceased) went to attend the marriage
ceremony in his paternal relation and on the same night at about
1:00 A.M the informant along with his son were planned to return
home and in the meanwhile the petitioner reached there by his
Scorpio and instigated the informant's son to come along with him
in his vehicle, in which eight persons were already sitting there. It
is also alleged that petitioner sister was married in the locality of
informant's house and this petitioner was on visiting terms. It is
further alleged that while informant was returning to his house
during this time the son of the informant was continuously called



upon his phone and after some time his son's phone was switched off after which he could not be traced and on 30.04.2024, the informant was got information that one body is lying in the orchard by hiding it with leaves and grass and the dead body is said to be identified as informant's son.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that the present case has been lodged only on the basis on suspicion and except there is not any other material found against the petitioner. He next submits that petitioner has got clean antecedent and he is in custody since 21.06.2024.

5. However, learned APP for the State opposes the prayer for regular bail of the petitioner and submits that present petitioner, co-accused Shambhu Prasad, Asha Devi (sister of present petitioner) and Priyanka Devi (wife of the deceased) were found to be continuously in touch and talking with each other which is also evident from perusal of the para-26 of the case diary.

6. On perusal of the FIR, case diary, post-report of the deceased and impugned order dated 28.10.2024, it appears that the present petitioner was in continuously touch with co-accused Shambhu Prasad, Asha Devi (sister of present petitioner) and Priyanka Devi (wife of the deceased). From perusal of para-78, 79, 80 of the case diary, it appears that location of the present



petitioner and other accused persons were found near the first place of occurrence and mobile number of the petitioner and Shambhu Prasad were found talking with each other from several times. From perusal of the para-110 of the case diary, it also appears that doctor has examined the injuries sustained by the deceased as (i) fracture of 2nd to 4th ribs of left side of chest & laceration of left lung (ii) laceration of live & 1 liter blood (iii) neck muscles congested, fracture of trachea ring and gave his opinion as death of the deceased was caused by hard and blunt substance and death was due to hemorrhage & shock as a result of above noted injuries. So, considering all facts and circumstances of the case and submissions made on behalf of both the parties and also the fact that there is *prima facie* involvement of the present petitioner in the alleged occurrence, I am not inclined to grant bail to the petitioner.

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

(Ramesh Chand Malviya, J)

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