

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8527 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- KAUWAKOL District- Nawada

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Bikash Kumar @ Bikash Saw, aged about 26 years, Sex- Male, son of
Shankar Saw, resident of Village- Rajokhar, Post Office- Birne, Police Station
- Giridih, District- Giridih, State- Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For the Informant	:	Mr. Subodh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Kauakole PS Case No.156 of 2024 dated 09.05.2024, instituted
for the offence punishable under Sections 302, 440/34 of the
Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence son of the informant (deceased) was going to
village Dania carrying diesel with him and on way the accused
persons stopped him and assaulted him. Her younger son, who
was accompanying his brother, had stopped his motorcycle at
some distance upon seeing the accused persons. The accused
persons asked to caught him also and kill both of them.



However, he managed to flee away from there and thereafter he informed the family members about the incident. When the informant started search of the deceased, she found his burnt dead body as well as his burnt motorcycle.

4. Learned counsel for the petitioner submits that the FIR has been lodged against nine accused persons including the petitioner and there is no specific allegation against the petitioner, rather, the allegation is general and omnibus. It is also submitted that the police has recorded the statement of Chhotu Kumar, younger son of the informant and younger brother of the deceased, under Section 161 of the Code of Criminal Procedure in which also there is no specific allegation and the allegation is general and omnibus. There is no eye witness to the occurrence. There is no independent witnesses in the case diary and none of the prosecution witnesses has stated that who assaulted the deceased. Lastly, it is submitted that the petitioner is in custody since 28.06.2024 having one criminal case under the Bihar Prohibition & Excise Act.

5. Learned APP as well as learned counsel for the informant have opposed the prayer for bail. Learned counsel for the informant has submitted that there is brutal murder of the deceased. It is also submitted that the family members of the



petitioner was doing illegal business of wine and there was apprehension that the deceased might have arrested him/her by the Excise Police of Pakriwaraban. It is also submitted that the police after investigation has submitted charge-sheet against four accused persons including the petitioner and exonerated five accused persons persons. The body of the deceased was burnt by the accused persons and the *post mortem* report also supports the prosecution case.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner at this stage.

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

8. The trial Court is directed to take all endeavor to conclude the trial at the earliest, preferably, within a period of nine months from the date of receipt/production of a copy of this order without granting unnecessary adjournments.

9. The application stands dismissed.

(Khatim Reza, J)

J. Alam/-

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