

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9283 of 2025

Arising Out of PS. Case No.-146 Year-2024 Thana- VIJAYEPUR District- Gopalganj

Swaminath Ram Son of Amla Ram village- Bhujauli Kala, P.S.-Vijaipur,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S. Trail
No. 691 of 2024 arising out of Vijaipur P.S. Case No. 146 of
2024 dated 10.07.2024, instituted for the offence punishable
under Sections 103, 61, 238, 3(5) of the Bharatiya Nyaya
Sanhita.

3. The prosecution case, in short, is that on
05.07.2024 the brother of the informant namely, Deva Kumar
has gone towards west of the house on road side. When he did
not return for a considerable time, the informant and his family
members began searching for him but could not find him. On
07.07.2024 at about 04:30 am, the informant's sister Kumkum
Devi went towards culvert to defecate, in the meantime the dead



body of the informant's brother Deva Kumar was found lying in the water near the culvert. It is alleged by the informant that petitioner along with other accused persons have killed his brother Deva Kumar in a conspiracy.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the name of the petitioner has been dragged in this case only on the basis of suspicion. There is no eye witness to the alleged occurrence. It is further stated that petitioner and informant are agnates. It is also submitted that the dead body of deceased was found on 07.07.2024 but the FIR was lodged on 10.07.2024. Lastly, it has been submitted that the petitioner is in custody since 11.07.2024 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. vehemently opposed the prayer for bail of the petitioner and submitted that petitioner along with other accused persons have killed the brother of the informant. It is further submitted that during investigation Gang Dayal Ram has been arrested who has given his confessional statement leading to recovery of knife which was used in murder of the brother of the informant. It is specifically submitted that one of the co-accused persons namely, Sanni Kumar has stabbed the



brother of the informant with the support of the petitioner. In the confessional statement of Sanni Kumar, it is specifically submitted that he stabbed dagger into the neck of the deceased and petitioner and other accused persons have concealed the body of the deceased.

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. However, the learned Trial Court is directed to expedite the trial and take all endeavour to conclude the trial at the earliest, preferably, within a period of nine (09) months from the date of receipt or production of a copy of this order.

(Khatim Reza, J)

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