

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23668 of 2025**

Arising Out of PS. Case No.-521 Year-2024 Thana- ALOULI District- Khagaria

Pankaj Kumar Mishra, aged about 46 years, M, S/O Late Badrinath Mishra,
Resident of Village- Marwa, P.S.- Bihpur, District- Naugachia (Bhagalpur).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate and Mr. Vikramadit, Advocate
For the Informant : Mr. Satish Kumar Singh, Advocate and Mr. Dinesh Maharaj, Advocate
For the State : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 22-07-2025 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Alauli P.S. Case No. 521 of 2024 dated 18.12.2024 registered for the offences punishable under Sections 103(1), 61(1), 238, 351(3), 351(2) read with Section 3(5) of the B.N.S., 2023.

3. As per the prosecution case, on 17.12.2024 at about 9.00 A.M., the informant and her husband left their child, namely, Aditya Kumar, at ‘Lucent International School’, Alauli’.



Later on, at about 11.30 A.M., the informant received an information on phone that the said school staffs are going to conceal the dead body of her son. On getting the said information, she went to the school and was informed by the watchman (petitioner) that her son was taken to Nursing Home for his treatment. Thereafter, she went to the 'Krishna Nursing Home, Haripur and found her son lying dead on a bed. The informant believed that the petitioner alongwith other co-accused are involved in the murder of her son. Her son informed her that he witnessed illegal acts which took place in the said school for which the Security Guard (petitioner) and the Management of the School used to threaten the deceased.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner is only a Guard of the school in question and he has no concern with the other affairs of the school. It is further submitted that during the course of investigation, not a single witness has come forward to state that he has seen the petitioner with the deceased. The petitioner has been arrested only on suspicion and there is no any direct or indirect allegation against the petitioner and there is general and omnibus allegation against the petitioner. It is



further submitted that during the course of investigation, the Investigating Officer has recorded the statement in which he has stated that the deceased had committed suicide. The doctor has conducted postmortem of the deceased but cause of death could not be ascertained and Viscera has been kept reserved and sent for F.S.L. examination and the doctor has not found any external injury on the body of the deceased. It is further submitted that after investigation, charge sheet has been submitted in the present case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 19.12.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition of the petitioner and have further submitted that the petitioner is named in the F.I.R. Learned counsel for the informant has referred to paragraph nos. 31 and 63 of the case diary which have supported the prosecution case and the petitioner being the security guard used to sleep with the deceased. It is further submitted that the deceased was a student of the Class-III, aged about 9 years old who spoke that he would not want to live in the hostel.

6. Considering the aforesaid facts and circumstances of



the case and the accusation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Alauli P.S. Case No. 521 of 2024, pending in the court of learned C.J.M, Khagaria.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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