

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50222 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- SUIYA District- Banka

Rajesh Das Son of Sukhdev Das Resident of village - Laharniya, P.O.-
Tonapathar, Police Station - Katoria, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Najmul Hodda

For the Opposite Party/s : Mr.Anant Kumar 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 07-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Suiya P.S. Case No. 163 of 2023 dated
25.12.2023 registered for the offences punishable under
Sections 302, 201 and 120B of the I.P.C.

3. As per the prosecution case, the informant's son,
namely, Sandeep Kumar Das went to meet his friend Lalan Das
in the field but till late night he did not return. On 24.12.2023 at
about 6.00 P.M., she got information that a decomposed dead
body was lying in the pond. Thereafter, she alongwith others
went to there and identified him as her son. The informant
believed that the co-accused Lalan Das under conspiracy



committed murder of her son. It is further alleged that there was dispute for money between the co-accused Lalan Das and the deceased.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the present case, during the course of investigation, on the basis of the confessional statement of the co-accused Lalan Das, which has got no evidentiary value in the eye of law. There is no eye witness to the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. There is nothing on record to show the involvement of the petitioner in the present case. It is most surprising that the deceased has left his house fifteen days ago and did not return but how and why the informant has not informed the police and lodged the F.I.R. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner by submitting that as per para 37 of the case diary, the co-accused Lalan Das in his confessional statement has stated that the



petitioner along with the other co-accused persons committed murder of the informant's son and threw his dead body in a nearby dam.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below may consider his prayer for regular bail in accordance with law and on its own merit without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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