

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61626 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- SACHIVALAYA District- Patna

Binod Kumar @ Mukesh Kumar S/O Hari Prasad @ Hari Kishor Prasad
Resident of village- Gopalpur Math, P.S- Masaurhi, Distt.- Patna.
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Ajay Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 22-01-2025 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner and the State, Mr. Uma Shankar Prasad

Singh.

2. The petitioner is in judicial custody in connection with Sachivalaya P.S. Case No. 28 of 2024 for the offences punishable under Sections 302/34 of the IPC, lodged on 15.03.2024 by the informant, Rinki Devi.

3. As per the prosecution story, the informant alleged that her son was tied to the pole in the MLC quarter and beaten to death by the accused persons. Accordingly, the FIR.

4. It is the case of the learned Senior Counsel that the petitioner is actually Binod Kumar but making him accused as Mukesh Kumar and assigning him the role of guard of the construction company, the main allegation has been made that he took the lead in beating the person who was caught in the campus which ultimately resulted into his death. It is his submission that though charge-sheet stands submitted, he shall be pursuing the



matter before the appropriate police authority to prove his innocence.

5. Learned APP on the other hand opposes the prayer for bail submitting that the petitioner, Mukesh Kumar @Binod Kumar is/was serving as the guard of the company and he is the main assailant as per the FIR/charge-sheet. He further submits that other co-accused who earlier approached this Court in Cr. Misc. No. 63097 of 2024 (Rahul Kumar & Ors.) and Cr. Misc. No. 64866 of 2024 (Amarjeet Kumar) have already been denied bail by this Court vide an order dated 28.10.2024.

6. Having gone through the facts of the case as also the order-sheet of the aforesaid two bail applications, so far as the FIR is concerned, it points finger on this petitioner to be in the main culprit. He along with others assaulted the person who according to them used to take away their property in the night. The said person was tied to the pole and beaten to death. In that background, no relief can be granted, the bail application stands rejected.

(Rajiv Roy, J)

Vijay Singh/-

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