

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65707 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Nitish Kumar Son of Hareram Yadav Resident of village - Bilauri, Police
Station - Lakhisarai, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and
Learned APP for the State.

2. The petitioner seeks bail in connection with P.S.
Case No. Lakhisarai P.S. Case No. 265/2023 instituted for the
offences punishable under Section 302/34 of the Indian Penal
Code.

3. As per the prosecution case, on 12.04.2023 at 07
PM son of the informant Laxman Kumar received a call on his
mobile number-8271243330 from his cousin brother's brother-
in-law Mithun Kumar father Arjun Yadav village-Singhchak
Thana-Kiul District-Lakhisarai and called him for meeting.
After that his cousin Raja Kumar, *Nitish Kumar* and Luv
Kumar all residents of Bilauri Thana, District-Lakhisarai



together took him away on a motorcycle. When his mother called him at around 10 pm in the night, he said that he will be coming in 10 minutes. When he did not come for dinner till 11 PM, everyone went to sleep. When his mother woke up at about 1 AM, she went inside the house looking for her son. She saw that her son was sitting on the floor leaning against the door wall. When she saw him and asked him what happened, he did not say anything and when she shook him, he fell down. Then she found out that he was dead. When people came after hearing the commotion, his maternal uncle and maternal aunt said that he has consumed alcohol. But there was a mark of rope on his neck. So she suspected that he has been killed by strangulation. Moreover 15 thousand rupees and 1 tola Bajrangbali locket were not found with him. The reason for the incident is that about 15-20 days before the incident, Hareram Yadav, Nandlal Yadav and Lalu Yadav all residents of Bilori police station, district Lakhisarai, all together came to his house and said that give the land which he has purchased otherwise the consequences will be bad.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that he has got no criminal antecedent. He submits that



from perusal of the written report, it appears that petitioner's name has come on mere suspicion by the informant. Moreover, petitioner's father has land dispute with the informant and there are no eye witness to the said occurrence that petitioner has threatened the informant.

5. Learned counsel for the State opposes the prayer for anticipatory bail of the petitioner. He further submits that petitioner is named in the FIR and there is direct allegation for the alleged offence and witnesses have supported the case of the prosecution in para 4, 9 and 10 of the case diary. He next submits that granting anticipatory bail to the above named petitioner can tamper the evidence of the case and may hamper the investigation.

6. From perusal of the F.I.R. case diary and impugned order dated 08.07.2024, it appears that petitioner is named in the FIR as petitioner along with other co-accused persons took away the son of the informant on motorcycle and committed the alleged offence and witnesses have supported the case of the prosecution in para 4, 9 and 10 of the case diary. So, considering the aforesaid facts and circumstances of the case and the submissions made on behalf of the parties, I am not inclined to grant anticipatory bail to the petitioner.



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

(Ramesh Chand Malviya, J)

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