

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71184 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- GADHPURA District- Begusarai

Ashiki Kumar, (Male, 26 years), S/o- Late Ashok Thakur, R/O Vill- Ekamba,
P.S.- Chhaurahi Dist- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate

For the Opposite Party : Mr. Ram Naresh Ray, A.P.P.

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

ORAL ORDER

4 22-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Gadhpura P.S. Case No. 71 of 2024 dated 14.06.2024 registered for the offence punishable under Section 364A of the I.P.C. Later on, Section 302 of the I.P.C. was also added.

3. As per the prosecution case, some unknown miscreants are alleged to have abducted the young brother of the informant and demanded ransom.

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 F.I.R. has been registered against unknown persons and the petitioner is not



named in the F.I.R. It is further submitted that none has seen the alleged occurrence either of taking away the deceased, killing or concealing the dead body of the deceased. There is no direct or indirect evidence against the petitioner to suggest the implication of the petitioner in the present case. The petitioner has been made accused in the present case only on the basis of suspicion. The alleged occurrence took place on 09.06.2024 at about 10.00 A.M. and the F.I.R. has been registered on 14.06.2024 and for the delay in lodging the F.I.R., no explanation has been given by the prosecution. It is further submitted that during the course of investigation, on the basis of C.D.R., the names of the co-accused persons, namely, Praveen Kymar and Anshu Kumar, have surfaced in the present case and thereafter they were arrested by the police and their confessional statements have been recorded in which they have named the petitioner in the alleged offence. No incriminating article has been recovered from the possession of the petitioner. The other co-accused person, Praveen Kumar has already been granted bail by a Bench of this Court in Cr. Misc. No. 77393 of 2024 vide order dated 15.07.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 20.06.2024.



5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has further submitted that although the petitioner is not named in the F.I.R., but the petitioner in his confessional statement which is in paragraph no. 62 of the case diary, has confessed his guilt in the alleged offence. The petitioner in his confessional statement has stated that he administered 4 to 5 sleeping pills to the deceased and the petitioner and the co-accused assaulted him who started moaning and died. The doctor has conducted postmortem of the deceased and has opined that 'Death was due to Asphyxia as a result of strangulation' which corroborates with the confessional statement of the petitioner.

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 Gadhpura P.S. Case No. 71 of 2024, pending in the court of learned J.M. Ist Class, Begusarai.

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.

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(Chandra Prakash Singh, J)

