

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73399 of 2024

Arising Out of PS. Case No.-220 Year-2023 Thana- DESARI District- Vaishali

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Bijeshwar Kumar Rai @ Bijeshwar Kumar @ Brijeshwar Kumar, Son of
Nagina Rai, permanent Resident of Village- East Raghapur, PS- Jurawanpur,
Dist- Vaishali. Presently residing at village- Hardasbigha, PS- Khusrupur,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Soni Shrivastava, Advocate Mr.Sanjay Kumar Singh, Advocate Ms. Sarandha Suman, Advocate
For the State	:	Mr.B.N. Pandey, APP
Fro the Informant	:	Mr. Hemant Ray, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 21-01-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection
with Deshri P.S. Case No. 220 of 2023 registered for the offence
punishable under Section 365 of the Indian Penal Code.
Subsequently, the present case has been converted for offences
under Sections 364, 302, 120(B) and 201/34 of the Indian Penal
Code.

3. The case of the prosecution is that the son of the
informant, namely, Prabhat Kumar @ Nikhil Kumar was
missing from 30.05.2023. On that date at 9.30 A.M., he made a
call and told the informant that he has gone to write exam in his



College Birchandra Singh Patel. After that, he was missing.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. From perusal of the F.I.R. itself it is clear that the occurrence is of 30.05.2023 whereas the F.I.R. was lodged on 16.06.2023. Regarding this, learned counsel of the informant has submitted that he has to take much effort for filing the F.I.R. During course of investigation, one Gita Devi has given her confessional statement and in her confessional statement, she has stated that her daughter was having illicit relation with the deceased and one day, she along with her sons hatched the plan as the deceased come down to their house to meet her daughter, they were caught in a compromising position and daughter Suchita Kumari and this deceased were being killed. After that, she called her brother-in-law Bijeshwar Kumar Rai, who is the petitioner and with his help, she disposed of the dead body. There is nothing except confessional statement of Gita Devi, the mother of Suchita Kumari with whom the deceased was having talking terms and was in relation and from perusal of this confessional statement also, the role of the petitioner is only in disposing the dead body. He has got no role in the murder of the



deceased. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 19.07.2024.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the Court of learned A.C.J.M.-XI, Vaishali at Hajipur in connection with Deshri P.S. Case No.220 of 2023.

(Ashok Kumar Pandey, J)

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