

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76936 of 2024

Arising Out of PS. Case No.-358 Year-2024 Thana- DIGHA District- Patna

Chhotu Kumar, Son of Late Satrudhan Shah @ Satrudhan Saw, Resident of
Gandhi Gali, Gas Godam, Ramji Chak, P.S. -Digha, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 76889 of 2024

Arising Out of PS. Case No.-358 Year-2024 Thana- DIGHA District- Patna

Arman Kumar, Son of Sanjay Singh @ Sanjay Kumar, Resident of Akhand
Jyoti Hospital, Mariyam Colony, P.S. - Digha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 76936 of 2024)
For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP
(In CRIMINAL MISCELLANEOUS No. 76889 of 2024)
For the Petitioner/s : Mr.Pushkar Narain Shahi, Sr. Advocate
Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 23-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in connection
with Digha P.S. Case No. 358 of 2024 registered for the offence
punishable under Sections 120(B), 302 and 34 of the Indian
Penal Code.



3. The case of the prosecution is that the son of the informant Rahul Kumar was doing business of medicine and was living with his father. Ankit Kumar was his staff. On 10.06.2024, Ankit Kumar called his son at his flat. The son of the informant went there with his cousin Kundan Kumar Thakur. It is further alleged that Arman Kumar and Chhotu Kumar were already there. There all of them eat and drink. After that, Arman Kumar and Chhotu Kumar assaulted and pushed Rahul Kumar from the roof due to which he died.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. It is further submitted that independent witnesses have stated during investigation that in course of videography, he has fallen down. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Petitioners are languishing in judicial custody since 12.06.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that in this case Kundan Kumar Thakur who is the cousin of the deceased is the most competent witness. This witness has stated categorically that both of these petitioners have assaulted and pushed the deceased due to which he died.



6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioners on bail at this stage and, as such, their prayer for bail stands rejected.

7. Petitioners will be at liberty to renew their prayer for bail after six months, if so advised.

(Ashok Kumar Pandey, J)

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