

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75951 of 2024**

Arising Out of PS. Case No.-105 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Shambhu Prasad, S/o Matukdhari Prasad, R/o village- Tikam, P.S. Madhuban,  
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr. S.B.K. Manglam, Advocate |
|                      |   | Mr.Awnish Kumar, Advocate    |
| For the State        | : | Mr.Pranav Kumar, APP         |
| For the Informant    | : | Mrs. Usha Kumari, Advocate   |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**

**ORAL ORDER**

4      17-01-2025                      Heard learned counsel for the petitioner, learned  
APP for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Pakridayal P.S. Case No. 105 of 2024, registered for the alleged offences under Sections 302, 120(B) and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and other co-accused persons took away the son of the informant in a Scorpio vehicle and later on, his dead body was recovered, which was concealed under dry leaves. The informant further alleged that due to his illicit relationship with the wife of the son of the informant, the petitioner committed murder of his son



with the help of other co-accused persons.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegations are completely false and fabricated. The learned counsel further submits that the petitioner is the brother-in-law of the wife of the deceased and the allegation of illicit relationship is totally false and concocted. The petitioner has no concern with the alleged occurrence and his name has been dragged in this case at the instance of persons inimical to him as the petitioner resides in a different village and the petitioner was not invited to the marriage ceremony which was being attended by the son of the informant. The learned counsel further submits that the facts as mentioned in the FIR shows the son of the informant went with the petitioner on 26.04.2024 and if he did not return till 30.04.2024, no report has been lodged for his missing and this conduct of the informant is not believable, if he was having any suspicion with regard to the petitioner. The learned counsel further submits that there is no eye witness to the alleged occurrence and nothing incriminating has been recovered from the possession of this petitioner, who is in custody since 01.05.2024 and the charge sheet has been submitted. The petitioner has got no criminal antecedent. The



learned counsel also submits that the co-accused has been granted bail by this Court vide order dated 03.10.2024 passed in Cr. Misc. No.71195 of 2024.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that the informant has specifically named this petitioner and has also mentioned about the motive. The learned counsel further submits that it was the petitioner, who took away the son of the informant with him in his vehicle. The learned APP submits that in paragraphs 78, 79 and 80 of the case diary, the tower location of the mobile number of the petitioner and the deceased has been mentioned, which shows that the deceased and the petitioner were together during the time of occurrence. The son of the informant was murdered under a conspiracy.

6. Having regard to the nature of allegation against the petitioner and considering the fact that the petitioner and other co-accused person were last seen with the deceased, I am not inclined to enlarge the petitioner on bail.

7. Accordingly, his prayer for bail is rejected.

8. However, learned trial court is directed to expedite



the trial and conclude the same at the earliest.

V.K.Pandey/-

(Arun Kumar Jha, J)

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