

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83206 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Hariharnath P.S. District- Saran

Aayush Kumar @ Lala Kumar @ Lala S/O Arvind Kumar Singh @ Arvind Singh R/O Village- Sonapur Lakri Bazar, Ward No. 17, P.S.- Hariharnath, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Shrivastava- Sr. Advocate
Mr. Rakesh Kumar- Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-01-2025 1. Heard learned senior counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in Hariharnath P. S. Case No.30 of 2024 registered for the offences punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.
3. The learned senior counsel for the petitioner submits that the petitioner is in custody since 06.04.2024, he is a person with clean antecedent and the informant alleges that on 05.04.2024 at 7.00 A.M., his aunt (Chachi) called and informed that on 04.04.2024, Lala Kumar (petitioner) took Monu Kumar alias Nikhil Kumar (cousin brother of the informant, deceased) from the house and when he did not return in the night, his uncle went to the house of Lala Kumar to inquire, where he was



informed that Monu Kumar alias Nikhil Kumar, Lala Kumar (petitioner) along with 4-5 unknown persons have gone to visit some place. Further, on 05.04.2024, the father of Monu Kumar alias Nikhil Kumar was informed by a villager that Monu Kumar has been killed and his dead body is in the house of Lala Kumar. It is next alleged that even attempt was made to cremate the body by Lala Kumar, his bother Nitin and Awadhesh.

4. The learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that informant based on the information provided by her aunt i.e. mother of the deceased has instituted the instant FIR, as such, the FIR has been instituted based on hearsay. It is next submitted that Nitin Kumar brother of Lala Kumar had approached this Court seeking anticipatory bail by filing Cr. Misc. No.60240 of 2024 and the same was allowed by an order dated 26.09.2024. The learned senior counsel thus submits that since Nitin Kumar was granted the privilege of anticipatory bail, as such, Lala Kumar be given the privilege of regular bail as he is languishing in custody since 06.04.2024 and charge-sheet has been submitted. The learned senior counsel for the petitioner next submits that in the FIR, it has been alleged that an effort was made by this



petitioner and his brother Nitin Kumar and Awadhesh to cremate the body, but then, from the post mortem report, it would manifest that there is no evidence of charring, which amply demonstrates that the allegation was levelled only with a view to give seriousness to the case. It is further submitted that petitioner while in custody is suffering from health issue and has been referred by the Jail Doctor for better treatment and accordingly, he was referred to Sadar Hospital, Chhapra and from there he was referred to PMCH, but then, the doctors of PMCH did not admit the petitioner.

5. Learned A.P.P. Sri Chandra Bhushan Prasad vehemently opposes the bail application of the petitioner. It is submitted that the case of the petitioner is not akin or similar to the case of Nitin and Awadhesh. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that her aunt (Chachi) called him and informed that this petitioner had taken Monu Kumar along with himself. Further, when father of Monu Kumar went to the house of the petitioner to inquire that as to why he has not returned, then father of the petitioner Arvind Singh informed that Monu along with Lala Kumar and 4-5 others have gone to visit some place, as such, his uncle returned. The learned A.P.P. further



submits that the FIR further discloses that villager informed that dead body of Monu was lying in the house of Arvind Singh i.e. father of the petitioner and accordingly, the dead body was recovered from the house of Arvind Singh. The learned A.P.P. further submits that no doubt, the dead body of the deceased was recovered from the house of Arvind Singh, but then, it was from the outhouse and not the house, as such, it was argued in Cr. Misc. No.60240 of 2024 that it may be a possibility that being brother of Lala Kumar, Nitin may not be aware that Monu had also accompanied the petitioner and was at his home. It is also submitted that there is a specific allegation against this petitioner by the informant based on information provided by her aunt that it was this petitioner, who brought Monu along with him and thereafter, the dead body was found in the outhouse of the petitioner, as such, even the circumstances for the present connects the petitioner with the offence.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to release the petitioner on bail.

7. The prayer of the petitioner for regular bail stands rejected accordingly.

8. However, it is made clear that if petitioner is suffering from any health issue, in that event, the Jail



Authorities shall ensure that proper medical treatment is provided to the petitioner.

(Satyavrat Verma, J)

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