

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88171 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- Jaitpur District- Muzaffarpur

Dilip Kumar S/O Shiv Dayal Mahto Village and Post- Ramkrishna Dubiyahi,
Dubiyahi, P.S.- Jaitpur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar, Advocate.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 21-02-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel
along with Mr. Rahul Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Chandra Bhushan Prasad,
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Jaitpur P.S. Case No. 48 of 2024 for the offence punishable
under Sections 302 and 120B/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the son of
the informant got missing and the dead body of his son was
found hanging by a tree. It has been informed in the F.I.R. that
before the son of the informant was murdered, he was found at
the shop of Lala Singh and Dipak Sah.

4. Learned counsel appearing on behalf of the
petitioner submitted that there is no eye witness of the



occurrence, even the case of last seen is not made out as no one has seen the son of the informant going from his house. Merely on suspicion that the son of the informant was found at the shop of Lala Singh and Dipak, it cannot be presumed and derived prima facie that complicity of the petitioner in the alleged murder of the son of the informant is made out. Learned counsel further submitted that the petitioner is gotiya of the informant and lives in front of his house. He further submitted that the informant has developed his case in his further statement that he has seen the petitioner going into his house at 11:30 PM on 01.06.2024, on that basis, it cannot be drawn that after committing murder of the son of the informant, the petitioner came back to his house at 11:30 PM. Learned counsel further submitted that even considering that the present is a case of circumstantial evidence, the chain of the circumstances must be satisfied by such evidence, from which, an inference of guilt must conclusively be drawn that within all human probability the crime was committed by the accused and non else. Learned counsel further submitted that in absence of any eye witness, prima facie, no case of murder is made out against the petitioner or complicity of the petitioner in the alleged murder. The petitioner is in custody since 05.06.2024. In these background,



learned counsel submitted that the petitioner is innocent and he deserves to be released on bail.

5. *Per contra*, Mr. Ajit Kumar, learned APP appearing on behalf of the State submitted that the son of the informant who was 12 years old went missing on 01.06.2024 and thereafter he was seen at the shop of Lala Singh and Dipak Kumar and after committing unnatural sex with the son of the informant, they committed murder of the son of the informant by hanging him by a tree which was seen by the villagers, as such, the chain of events leading to the involvement of the petitioner is *prima facie* established in the present facts and circumstances of the case and based on the material which has been collected in course of investigation. He further informs that charge sheet has been submitted.

6. Having considered the rival submissions made on behalf of the parties and having examined the records, it is admitted that after committing unnatural sex, the son of the informant was hanged by a tree, the deceased was last seen along with co-accused Lala Singh and Dipak Kumar at his shop, even weighing the probability, I find that the petitioner has informed that he is own *gotiya* of the informant and in the entire episode it appears that for the sake of even bereavement which



has occurred in the family of the informant and the petitioner being close relative was not seen before 11:00 PM in the night nor he chose to even console the informant whose son was brutally murdered after unnatural sex, I am not inclined to enlarge the petitioner on bail at this stage.

7. Accordingly, the present bail application is rejected.

(Purnendu Singh, J)

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