

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.637 of 2025

Arising Out of PS. Case No.-165 Year-2024 Thana- WARISNAGAR District- Samastipur

Sonu Kumar @ Shanu Kumar, aged about 30 years, Male, S/o- Chandeshwar Rai, Resident of village- Gangapur, Ward No. 01, P.S.-Musrigharari, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Abhay Shankar Singh, Advocate
For the Informant	:	Mr. Mukesh Kumar, Advocate
For the Opposite Party	:	Mrs. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 25-06-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Warisnagar P.S. Case No. 165 of 2024 dated 29.06.2024 registered for the offences punishable under Sections 302, 201, 120B read with Section 34 of the I.P.C.

3. As per the prosecution case, on 30.05.2025, the petitioner came to the house of the informant and had took away his son, namely, Govind Kumar, on the pretext of going to the house of his Aunt (Mausi). It is further alleged that on the same day, the son of the informant made a phone call to the informant that the petitioner and others had fired on him after assault thereafter, phone was disconnected and when the son of the



informant did not return to his house then he searched his son but could not be found. On 01.06.2024, a news has been published in the daily News paper 'Dainik Bhashkar' that a postmortem was done of an unknown dead body at Sadar Hospital, Samastipur, thereafter, the informant alongwith his family members arrived there at hospital and found that the dead body of his son upon identifying the dead body, the informant inquired from the police officer regarding the location from where the body was recovered. The police officer informed that the dead body was found near the railway tracks, approximately 1 KM from Kishanpur Station, near Bridge No. 07.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that in Warisnagar Police Station, an U.D. Case No. 07 of 2024 has been lodged on 31.05.2024 itself was known to the informant from the very next day of the occurrence on 30.05.2024. The informant received the dead body after postmortem on 01.06.2024 and cremated the dead body without making any complaint against anyone. Subsequently, after about a month, the present false case been filed against the petitioner and other persons. It is further submitted that the informant's son himself sustained injury



when he had fallen from the running train as a journey ticket no. 30657152 of railway was also found in his pocket in torn condition, when his body was found by the side of the railway track before Bridge No. 07 on Samastipur-Darbhanga Rail Route. It is further submitted that the informant is not an eye witness to the alleged offence and as per belated F.I.R., he also came to know from his younger son that on 30.05.2024 his elder son had called him saying that he was assaulted by the petitioner and other co-accused persons and that also fired at him. However, no such firearm injury was found on the body of the deceased in the postmortem report. It is further submitted that as per the injuries mentioned in the postmortem report, it appears that it was out and out a case of accidental death but after about a month of U.D. case, the present concocted case was filed with ulterior motive. It is further submitted that as per the postmortem report, cause of death was due to haemorrhage and shock resulting from above mentioned injury produced by any hard and blunt substance. No incriminating article has been recovered from the possession of the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 07.10.2024.



5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition of the petitioner. Learned counsel for the informant has further submitted that in paragraph nos. 5, 18 and 19 of the case diary, the witnesses have fully supported the prosecution case.

8. Considering the aforesaid facts and circumstances of the case and finding substance in the contention of the learned counsel for the informant, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Warisnagar P.S. Case No. 165 of 2024, pending in the court of learned C.J.M, Samastipur.

9. The application stands rejected.

10. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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