

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90054 of 2024

Arising Out of PS. Case No.-291 Year-2024 Thana- JAGDISHPUR District- Bhojpur

Prakash Kumar S/O Surendra Sharma R/O Vill.- Anaith, P.S.- Ara Nawada,
Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74 of 2025

Arising Out of PS. Case No.-291 Year-2024 Thana- JAGDISHPUR District- Bhojpur

Narendra Singh @ Fantoosh S/o Nirmal Singh @ Nirmal Mahato Resident of
Village- Pakariwar, P.S.- Udavantnagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 90054 of 2024)

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, A.P.P.

Mr.Nagendra Upadhyay, Advocate

(In CRIMINAL MISCELLANEOUS No. 74 of 2025)

For the Petitioner/s : Ms.Shubhangi Pandey, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, A.P.P.

Mr.Nagendra Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 22-03-2025 Learned counsel for the petitioner seeks permission to

make necessary correction regarding period of custody of the

petitioner Prakash Kumar as mentioned in the petition in course

of the day as both petitions arise out of Jagdishpur P.S. Case No.

291 of 2024, as such, they have been taken up together and are

being disposed of by this common order.

2. Permission is accorded.

3. Heard learned counsel for the petitioners and



learned A.P.P. for the State.

4. In the present case, the petitioners seek bail in connection with Jagdishpur P.S. Case No. 291 of 2024, registered for the offences under Sections 103, 238, 61(2) and 3(5) of the B.N.S.

5. As per the prosecution case, petitioner Narendra Singh @ Fantoosh and other co-accused persons came to the house of the informant and took away his nephew with them. Next day, the dead body of the nephew of the informant was recovered and the informant showed his suspicion that the above named petitioner along with other co-accused persons murdered his nephew. The name of the petitioner Prakash Kumar transpired during investigation for also being involved in the killing of the nephew of the informant.

6. Learned counsel appearing on behalf of the petitioner Prakash Kumar submits that there is no specific allegation against this petitioner and he has been named in this case merely on the basis of the fact that when the police went to arrest co-accused Pritam Sharma, this petitioner was found in his house who was trying to take away the motorcycle allegedly used in the occurrence. Learned counsel further submits that the said motorcycle belongs to this petitioner and from the FIR it is



evident that the said motorcycle was being used by the co-accused brother of this petitioner. Therefore, the petitioner has been made accused in this case merely on suspicion and there is no substantive material to connect him with the offences as alleged. Petitioner is in custody since 27.08.2024.

7. Learned counsel appearing on behalf of the petitioner Narendra Singh @ Fantoosh submits that this petitioner has been made accused on the ground that he along with other co-accused persons came to the house of the informant and took away the deceased nephew of the informant with them. But the petitioner has been falsely implication in this case and he was neither present with the nephew of the informant nor was seen around the place of occurrence but has been made accused as he was stated to be last seen together with the victim. There is no specific allegation against the petitioner and there is no independent witness who might say he has seen the petitioner with the nephew of the informant. Learned counsel further submits that the First Information Report has been lodged after due deliberation as the body of the victim was recovered at about 10 o'clock on 25.08.2024 but the FIR has been lodged at 20 o'clock in the evening. Even the inquest was done at 10:30 AM and the dead body was sent for post mortem.



The falsity of allegation is also apparent from the fact that the petitioner was found in the house even 36 hours after occurrence and if the petitioner would have been guilty he could have fled away from his house and tried to save himself from the police. Learned counsel further submits that though there is allegation of throttling the deceased with the belt but no serological or other examination was done of the belt to show that the it was used in the crime. Learned counsel also submits that the tower location of the mobile phone of the petitioner is not of much consequence as the petitioner is also resident of the same locality. Learned counsel further submits that there is no flight risk of the petitioner and he is a respectable member of the society. Petitioner is in custody since 27.08.2024.

5. Learned A.P.P. appearing for the State and learned counsel for the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant vehemently contends that the petitioners are actively involved in the killing of the nephew of the informant. Learned counsel further submits that the petitioner Narendra Singh @ Fantoosh and other co-accused persons were last seen with the deceased and circumstantial evidence points to their involvement. Learned counsel submits that the petitioner



Narendra Singh @ Fantoosh is not resident of the same place where occurrence took place and for this reason the tower location of the mobile phone of the petitioner is quite important.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the petitioner Narendra Singh @ Fantoosh was last seen along with other co-accused persons with the deceased and further considering the seriousness of allegation, I am not inclined to enlarge petitioner Narendra Singh @ Fantoosh on bail.

7. Hence the prayer for bail of petitioner Narendra Singh @ Fantoosh is rejected.

8. Further considering the vague nature of allegation against the petitioner Prakash Kumar and also considering the lack of material against this petitioner, he is directed to be, released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M, Bhojpur at Ara/concerned court, in connection with Jagdishpur P.S. Case No. 291 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S and other following conditions:

(i) One of the bailors will be a close



relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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