

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44113 of 2015

Arising Out of PS.Case No. -86 Year- 2015 Thana -CHHABILAPUR District- NALANDA
(BIHARSHARIFF)

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Rajeev Kumar Son of Amin Paswan resident of Mohalla - Khairabad (Mahalpar), Police Station - Bihar Sharif, District - Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranvijay Singh
For the Opposite Party : Mr. Nityanand Tiwary, APP,App
For the Informant : Mr. Sudhir Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-12-2015 Heard the counsel for the petitioner, informant and

counsel for the State.

The petitioner is languishing in jail since 25.07.2015 in
a case instituted under Section 302 of the Indian Penal Code in
connection with Chhabilapur P.S.Case No.86 of 2015 pending in
the Court of CJM, Nalanda at Bihar.

As per prosecution case, it is a case of murder of
informant's brother by the petitioner.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 25.07.2015. Chargesheet has
been submitted in the case. Petitioner has got no criminal
antecedent. There is no direct or indirect evidence against the

petitioner. There is no eye witness to the alleged occurrence. Only the confessional statement of a co-accused before the police is the material against the petitioner. Petitioner has falsely been implicated in the present case. There is no allegation of tampering of evidence against the petitioner.

On behalf of the State and the counsel for the informant, it has been submitted that the petitioner is not named in the FIR. His name has come on the confession made by the co-accused who is the wife of the deceased where she has admitted that in collusion with the petitioner, she has got the deceased murdered.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the above named petitioner, same is rejected for the present.

(Sudhir Singh, J)

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