

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50651 of 2014

Arising Out of PS.Case No. -190 Year- 2014 Thana -SUPAUL District- SUPAUL

Nitish Kumar Son of Sada Nand Yadav, resident of Village- Chandani Chowk, Dinapatti, P.S.- Madhepura, District- Madhepura

.... Petitioner/s

Versus

1The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Upendra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

4 03-03-2015 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in a case registered for the offences punishable under Sections 302, 401/34(B) of the Indian Penal Code and Section 27 of the Arms Act.

Referring to the First Information Report, learned counsel for the petitioner has submitted that allegedly out of political rivalry the deceased was killed and in teh First Information Report, petitioner's name was not there. However, in course of investigation it came that the petitioner and other persons had assaulted the deceased.

Learned Additional Public Prosecutor appearing on behalf of the State has drawn my attention to paragraph No. 19 of the

Case Diary to submit that in course of investigation a water-pot (*Lota*) was recovered with the blood stains which on forensic test found to be the blood of the deceased. He submits that the occurrence as a matter of fact was between the petitioner Nitish Kumar and one Manoj Yadav. He has drawn my attention to paragraph No. 20 of the Case Diary, it is the extract of the report of the Forensic Science Laboratory, Patna. According to which, the blood stains recovered from the room where the petitioner and one Manoj Yadav slept, matched with the blood of the deceased.

In view of the above, I am not inclined to grant the petitioner the privilege of bail.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

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