

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28658 of 2014

Arising Out of PS.Case No. -354 Year- 2013 Thana -KANTI THARMAL POWER District-
MUZAFFARPUR

=====

1. Pankaj Mishra
2. Badal Kumar @ Chandan Mishra,
Both are sons of Late Dilip Mishra and resident of Village - Paltu Belwa,
P.S. - Chakiya, Distt. - East Champaran (Motihari) Petitioner/s
Versus

1. The State of Bihar Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Opposite Party/s : Mr. S.Dayal, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners, apprehending their arrest in connection with Kanti P.S. Case No. 354 of 2013 registered for the offences punishable under Section 302/34 of the Indian Penal Code and 27 of the Arms Act, seek the privilege of pre-arrest bail.

Allegedly, the petitioners along with other named accused persons came to the house of the informant on Bolero and took away Monu Kumar, the grand-son of the informant and on the very next date informant got information regarding killing of his grand-son. Thereafter, the informant went to S.K.M.C.H., Muzaffarpur and found and identified his dead body.

Submission on behalf of petitioners is that father of the petitioners was murdered for which Sugauli P.S. Case No.

08/2004 was registered. Chandeshwar Mishra executed sale deed in favour of petitioners on which Monu Kumar now deceased was a witness and Rajiv Ranjan Mishra @ Tuntun Mishra wanted to purchase that land. Rajiv Kumar was murdered for which Kanti P.S. Case No. 353/2013 was lodged in which enemies of the petitioners tried to implicate them. The prosecution story appears not reliable. There is no ocular evidence and there is no motive. The learned A.P.P and the learned counsel for the informant oppose the prayer by submitting that the dead body of the deceased has been found and it was the petitioners and the others who have taken away the deceased.

In the facts and circumstances as stated above, considering that the petitioners are named along with others and they have taken away the grand-son of the informant and thereafter his dead body has been found and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioners and, accordingly, their prayer for pre-arrest bail stands rejected.

(Jitendra Mohan Sharma, J.)

Vats/-

U		T	
---	--	---	--