

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29348 of 2014

Arising Out of PS.Case No. -12 Year- 2011 Thana -HASANPUR District- SAMASTIPUR

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1. Mukesh Kumar Singh @ Kanhaiya Singh, S/o Late Janardan Prasad Singh, Resident of Village Deodha, P.S. Hasanpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv.

For the Opposite Party/s : Mr. U.S.P.Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner, apprehending his arrest in connection with Hasanpur P.S. Case No. 12 of 2011 registered for the offences punishable under Section 302 and 201/34 of the Indian Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, the petitioner and other two F.I.R. named accused persons with aid and assistance of unknown, damaged the boundary of the aunt (Phua) of the informant forcibly. Thereafter, the informant went there and a Panchayati was held wherein it is decided to return the land in spite of that the petitioner and others started making attempt to kick out the aunt (Phua) of the informant from her house causing threats and ultimately she was killed and her dead body was being taken away. Accordingly, it

has been alleged that the three F.I.R. named accused persons including the petitioner with aid and assistance of others, have killed the aunt (Phua) of the informant and was carrying the dead body.

Submission of false implication and further dead body was found in open mustard field without any injury on her person. The Inquiry Officer has found that there was no involvement of the petitioner but supervising authority directed to file chargesheet, to which the learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the petitioner is named in the F.I.R. and the dead body was brought in the filed by dragging it and crops were also damaged.

In the facts and circumstances stated above, considering that the petitioner is named in the F.I.R., this Court is not persuaded to grant the privilege of pre-arrest bail to him and accordingly his prayer of pre-arrest bail stands rejected. However, in case and if so advised, the petitioner Mukesh Kumar Singh @ Kanhaiya Singh surrenders and seeks bail then his prayer for bail shall be considered on its own merit without being prejudiced by this order on the same date.

(Jitendra Mohan Sharma, J.)

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