

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28907 of 2014

Arising Out of PS.Case No. -39 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

1. Mantu Pandey, son of Gopal Pandey, resident of village Purab Tola
Kahalgaon, Police Station Kahalgaon, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate

For the Opposite Party/s : Mr. Shahin Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

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

The petitioner, apprehending his arrest in connection
with Kahalgaon P.S. Case No. 39 of 2014 registered for the
offences punishable under Sections 302, 201/34 of the Indian
Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, Nitesh Mishra and his colleagues took away
the brother of the informant from his house and thereafter
committed his murder with sharp cutting weapons.

It is submitted on behalf of the petitioner that the
petitioner has been falsely implicated. During investigation, most
of the witnesses are hearsay and from call details of Mobile also, it
does not transpire that the petitioner was present, to which the

learned A.P.P. opposes.

Considering the submissions urged at the bar, going through the F.I.R. and case diary and noticing that during investigation it has come that the petitioner was also present in the company of co-accused Nitesh Mishra, who were the persons last seen with the deceased and besides that from call details also the presence of the petitioner reveals and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, the prayer for pre-arrest bail of the petitioner stands rejected.

(Jitendra Mohan Sharma, J.)

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