

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44754 of 2014

Arising Out of PS.Case No. -399 Year- 2013 Thana -JAKKANPUR District- PATNA

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Munna Kumar son of Sri Mahendra Prasad Resident of Village - Chauriya,
P.S. - Harnaut, District - Nalanda.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaudhary

For the Opposite Party/s : Mr. Ajay Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 04-02-2015 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor.

The petitioner, who is in custody in Sessions Trial No.
290 of 2014 (arising out of Jakkanpur P.S. Case No. 399 of 2013)
registered for the offence under Sections 302, 379, 411 & 34 of
the Indian Penal Code, has prayed for grant of bail.

Learned counsel for the petitioner emphasized that the
F.I.R. was lodged against two accused persons, who are petitioner
and one Ramji @ Ramji Kumar. He submits that the case of the
petitioner is at better footing than Ramji @ Ramji Kumar. He
submits that during investigation, material has been collected that
the deceased was having illicit relation between sister of Ramji @
Ramji Kumar and even after the occurrence, while the raid was
conducted, from the possession of Ramji, number of articles of

deceased were recovered. However, so far as petitioner is concerned, from his possession, only mobile phone and motorcycle of the deceased were recovered and as such, on the ground of parity, he has made a prayer for grant of bail.

It is true that co-accused of the case i.e. Ramji @ Ramji Kumar has been extended the privilege of bail, vide order dated 20-05-2014 passed in Cr. Misc. No. 12194 of 2014, but it appears that while the prayer for bail of Ramji @ Ramji Kumar was being considered, the case was not committed to the court of sessions and as such, he was granted bail in connection with Jakkanpur P.S. Case No. 399 of 2013. However, in the present case, the prayer has been made in Sessions Trial No. 299 of 2014. Meaning thereby that the case has already been committed to the court of sessions. Besides this, in the F.I.R. itself, the brother of the deceased, who is informant of the case, has made specific statement that while he arrived near the room of his deceased brother, he found lock over the door. After some time, he tried to contact his brother on his mobile phone, which was picked up by someone, whose voice was similar to this petitioner i.e. Munna Kumar. Thereafter, raid was conducted in the house of petitioner and from the possession of the petitioner, same mobile phone of deceased was recovered. Besides this, some cash amount was also

recovered from the possession of the petitioner, for which, the petitioner disclosed that he had sold the golden chain with locket of the deceased and out of that sale, such consideration money was found in possession of the petitioner. On his disclosure, the motorcycle of the deceased was also recovered from the house of the petitioner.

In view of the facts and circumstances, the Court is of the opinion that the case of the petitioner is not exactly similar to the case of Ramji @ Ramji Kumar. Fact remains that in this case, a young boy, who was studying and preparing for competition, was brutally killed. Firstly, he was smashed by the L.P.G. gas cylinder and thereafter, his throat was cut.

In view of serious nature of accusation as well as the fact that the case has already been committed to the court of sessions, I am not inclined to extend the privilege of bail. However, while dismissing the present petition, it is desirable to direct the learned trial court to take appropriate step for early disposal of the trial.

The petition stands dismissed.

(Rakesh Kumar, J.)

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