

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29585 of 2015

Arising Out of PS.Case No. -136 Year- 2014 Thana -KUDRA District- BHABHUA (KAIMUR)

=====

Avnish Singh @ Avinash Singh @ Avinash Kumar Singh S/o Rambali Singh resident of Village- Karnpura, P.S.- Kudra, District - Kaimur (Bhabua).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Rakesh Singh

For the Opposite Party : Mr. Ashok Kr.Singh No.1(App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-10-2015 Heard the counsel for the petitioner and counsel for the State.

The petitioner is languishing in jail since 02.08.2014 in a case instituted under Sections 364, 364A, 302 and 201 of the Indian Penal Code in connection with Kudra P.S.Case No.136 of 2014 pending in the Court of ADJ-III, Kaimur at Bhabua.

As per allegation, this is a case of kidnapping and murder of a boy, namely, Nitesh Kumar, who is aged about 17 years by the accused persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.08.2014. Chargesheet has been submitted in the case. Petitioner has got no criminal antecedent. Petitioner has falsely been implicated in the present

case. There is no allegation of tampering of evidence against the petitioner. The trial is already in progress and twelve witnesses have already been examined.

On behalf of the State, it has been submitted that the name of the petitioner has come in course of investigation and there is a dying declaration against him. In paragraph no.258 of the case diary, petitioner has confessed his guilt that he along with Md. Aslam had committed the murder of deceased and on his confessional statement in paragraph no.265 of the case diary, the dead body was recovered.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the above named petitioner, same is dismissed.

(Sudhir Singh, J)

B.Kr./-

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