

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50108 of 2014

Arising Out of PS.Case No. -51 Year- 2014 Thana -BHORE District- GOPALGANJ

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1. Shailendra Kumar Mishra @ Bittal Mishra Son of SRi Mahanand Mishra
Resident of Village - Dighwa, P.S.- Bhore, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 02-07-2015 On the basis of a complaint submitted by one Akhilesh Gupta on 10.4.2014 that his brother by name Vijay Gupta was kidnapped by unknown persons, Bhore P.S. Case No.51/14 was registered alleging offences under Sections-363 and 365 of I.P.C. against unknown persons. Later on, when it emerged that the kidnapped person was killed, offences referable under Sections-364, 302 and 201/34 of I.P.C. were alleged.

It is stated that on the basis of a confessional statement made by one of the co-accused by name Durgesh Mishra, the name of the petitioner was included in the list of accused.

Apprehending his arrest, the petitioner filed

A.B.P. No.1236 of 2014 in the court of learned Sessions Judge, Gopalganj. The same was dismissed on 22.10.2014. Hence, this application for anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

It is, no doubt, true that the name of the petitioner did not figure in the F.I.R. and the person whose confessional statement was recorded has retracted from the same by appearing before the Judicial Officer and stated that the same was extracted under threat and coercion. These, however, are matters which need to be taken into account in the trial. Since the allegation in the entire matter is very serious, grant of anticipatory bail is not permissible. Hence, the application is rejected.

Since the investigation has already recorded substantial progress, the continued detention of the petitioner may not be necessary. It is directed that if petitioner surrenders before the concerned court and moves an application for bail, the same shall be taken up forthwith and appropriate orders may be passed therein and he shall be released on regular bail, if

granted, duly ensuring that adequate conditions are incorporated, on the same day.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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