

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27586 of 2015

Arising Out of PS.Case No. -97 Year- 2014 Thana -CHAKAMHESI District- SAMASTIPUR

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1. Pankaj Kumar Thakur @ Pankaj Thakur son of Nagendra Thakur resident of village Fulhata, P.S. Chak Mehsi, district Samastipur at present residing at village Bakhtiarpur, P.S. Chak Mehsi, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 02-11-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Chak Mehsi P.S. Case No. 97 of 2014 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Sections 25(1-b)a, 27 of the Arms Act.

Bijay Kumar, younger brother of the informant, used to teach the children at the house of the petitioner for which the petitioner was not giving any fee resulting Bijay Kumar stopped giving tuition and thereafter, the petitioner after calling Bijay Kumar, with the aid of other associates, at his brick kiln shot Bijaiy Kumar dead.



Submission is of false implication and that the petitioner has not brought the deceased, the informant is not an eye witness and only on suspicion the petitioner has been named. There is no legal and cogent evidence against the petitioner. During investigation the witnesses have stated contradicting each other, one witness states that he has seen the petitioner with pistol and the deceased was lying in pool of blood vide paragraph 23 of the case diary whereas in paragraphs 24 and 25 witnesses have stated that two pistols were kept near the deceased and petitioner told that the deceased came here to kill him and then by snatching his pistol, he killed him and, as such, the petitioner who is suffering in custody since 15.12.2014 deserves sympathetic consideration, to which the learned APP seriously opposes by submitting that the petitioner and the deceased have talked telephonically which is evident from paragraphs 60 and 61 of the case diary and further witness Dinesh Rai in paragraph 23 has stated that after hearing the sound of firing, he went there and saw the petitioner armed with pistol and deceased was lying in pool of blood. The motorcycle of the deceased was also at the brick kiln of the petitioner.

In the facts and circumstances stated above and considering the allegation attributed against the petitioner serious

in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as early as possible, preferably, within six months.

(Jitendra Mohan Sharma, J)

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