

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4416 of 2016

Arising Out of PS.Case No. -100 Year- 2015 Thana -PARWALPUR District- NALANDA
(BIHARSHARIFF)

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1. Mukesh Kumar Son of Sidheshwar Singh, R/o Village - Bhagwanpur,
P.S. - Fatuha, District - Patna. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr. Narendra Kr.Singh(App)

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

ORAL ORDER

3 28-03-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Parwalpur P.S. Case No. 100 of 2015 registered for the offences
punishable under Sections 363, 365 of the Indian Penal Code.

Allegedly, Brahmdev Prasad, the father of the
informant, went with the petitioner and thereafter, he did not
return and the petitioner after closing his clinic fled away.

Submission is of false implication and that there is
no legal and tangible material against the petitioner, on the person
of Brahmdev Prasad no apparent injury was found and it may be
the case of last seen, the confessional statement of the petitioner
has got no evidentiary value in the eye of law and as such the
petitioner who is suffering in custody since 13.09.2015 deserves

sympathetic consideration to which learned APP seriously opposes by submitting that the petitioner has taken away Brahmdev Prasad and the witnesses have seen him taking away which is evident from paragraphs 5 and 6 of the case diary and further witness Lallan Prasad has stated that the petitioner killed Brahmdev Prasad and threw the dead body in the ditch. The petitioner has also confessed his guilt vide paragraph 77 of the case diary.

In the facts and circumstances stated above, considering that the witnesses have seen the petitioner taking away the deceased and later on his dead body was recovered and further the witnesses have stated regarding involvement of the petitioner in the crime, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, considering the period of detention, the learned court below 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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