

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8757 of 2016

Arising Out of PS.Case No. -191 Year- 2015 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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1. Mukesh Kumar Son of Kailash Singh resident of Village - Baikathpur,
P.S. - Khusrupur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr M. RAB(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 22-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Harnaut
P.S. Case No. 191 of 2015 registered for the offences punishable
under Sections 302 and 120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, the petitioner and co-accused Chandan
Kumar opened 5-6 round firing on the tempo causing the death of
Raju Kumar, the son of the informant. Earlier co-accused Chandan
Kumar has caused threats to kill Raju Kumar.

Submission is of false implication and that against the
petitioner there was no motive to commit the crime, as alleged co-
accused Chandan Kumar has caused threats and not the petitioner,

other co-passenger of the tempo have not stated the name of the petitioner but the informant and his relatives claiming as witnesses, have named the petitioner and co-accused, which appears not probable and reliable and, as such, the petitioner who is suffering in custody since 23.09.2015 deserves sympathetic consideration to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that the petitioner has also been identified by the informant and other witnesses and, as such, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Harnaut P.S. Case No. 191 of 2015 pending in the Court of Additional Chief Judicial Magistrate, Nalanda, Bihar Sharif.

However, considering the detention of the petitioner let the trial be started and concluded within nine months after receipt or production of a copy of this order.

(Jitendra Mohan Sharma, J)

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