

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12594 of 2016

Arising Out of PS.Case No. -293 Year- 2014 Thana -GAYA KOTWALI District- GAYA

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Pappu Mian @ Jahagir @ Md. Pappu Mian son of Md. Latif Mian, resident
of Mohalla- Kasai Tola, P.S. Kotwali, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

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

For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

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

3 09-05-2016

Heard the learned counsel for the petitioner and the

learned A.P.P representing the State.

The petitioner seeks bail in connection with
Kotwali P.S. Case No. 293 of 2014 registered for the offences
punishable under Sections 364, 302, 201 and 120 (B) of the
Indian Penal Code.

Allegedly, Md. Sahjad @ Jully was kidnapped by
the petitioner and co-accused and later on he was killed. During
investigation, co accused Md. Nausad Mian, Rajesh Rabani and
Sanjay Singh were apprehended and in their confessional
statement, they named the petitioner as one of the assailant and
further on the basis of their confessional statement, broken mobile
of the deceased was recovered and the dead body was also

recovered and further the petitioner after his arrest also confessed his guilt and from call detail report, it reveals that he was in contact with other co-accused on the day of occurrence.

Submission is of false implication, there is no legal and tangible material against the petitioner and there is no eye witness of the occurrence. Only on the basis of confessional statement made before the police, the petitioner is suffering in custody since 08.09.2015. Co-accused Md. Mehtab and Md. Azad who are also named in the First Information Report and further Md. Golden have already been allowed pre-arrest bail by the coordinating benches of this Court and as such, the petitioner also deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that prayer of bail of co-accused Rajesh Prasad @ Rajesh Rawani, Md. Nausad Mian @ Naushad Mian and Sanjay Singh has already been rejected and the petitioner remained absconding and further the petitioner also confessed his guilt. The learned A.P.P. has referred para 63 of the case diary, where from the call details of the mobile of the petitioner, it reveals that he was in contact with other co-accused and tower location was also near the place of occurrence.

In the facts and circumstances stated above

considering the allegation attributed against the petitioner, also serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his prayer stands rejected in connection with Kotwali P.S. Case No. 293 of 2014 pending in the Court of learned A.D.J.,VIIth, Gaya.

Let the trial be expedited and concluded in the light of the earlier direction.

(Jitendra Mohan Sharma, J)

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