

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35636 of 2015

Arising Out of PS.Case No. -53 Year- 2015 Thana -DAUDNAGAR District- AURANGABAD

1. Pawan Kumar S/o Gandhi Singh, resident of village- Anchha, P.S.-
Daudnagar, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Rajeev Nayan(App)

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

6 18-01-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offence
punishable under section 302/34 of the I.P.C

The petitioner is not named in the FIR but during
investigation it transpires that the petitioner after using mobile of
the deceased Rajiv Kumar talked on the mobile of Mahima Devi,
Bhabhi of the deceased, and further from call detail it reveals that
the petitioner has called the deceased and thereafter he was found
killed and the petitioner confessed his guilt and on the basis of his
confessional statement *Dab* (sharp cutting heavy weapon) used in
the crime was recovered.

Submission is of false implication and that only on

suspicion the petitioner has been named, there is no eye witness of the occurrence and the petitioner is suffering in custody since 29.03.2015 for no fault and as such he deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that the name of the petitioner has transpired during investigation in the statement of Bhabhi and wife of the deceased and further on the basis of the confessional statement of the petitioner *Dab* used in the crime has been recovered and as such this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Daudnagar P.S. Case No. 53 of 2015 pending in the court of S.D.J.M. Daudnagar, District- Aurangabad.

However, the trial court is directed to expedite the trial and to conclude the same preferably within a period of nine months.

(Jitendra Mohan Sharma, J)

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