

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51941 of 2015

Arising Out of PS.Case No. -62 Year- 2014 Thana -BIHPUR District- BHAGALPUR

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1. Durgesh Kumar @ Rahul Kr. son of Shyam Kumar, resident of village-
Sonbersa P.S.- Bihpur, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

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

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

5 05-04-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 302, 120 (B) and 34 of the I.P.C

Allegedly, the petitioner, other FIR named accused
persons and two unknown came at the house of the informant,
took meal with the brother Bauku Choudhary @ Niranjana
Choudhary and Amar Choudhary and thereafter took away both
towards Bahiyar and thereafter both Bauku Choudhary and Amar
Choudhary were killed.

Submission is of false implication and that there is no
eye witness of the occurrence, all the witnesses examined are hear-
say, one Pankaj Choudhary whose statement has been recorded in

paragraph-134 of the case diary has not stated the name of the petitioner, without any legal and tangible material charge sheet has been submitted resulting the petitioner is suffering in custody since 01.05.2015.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner and other co-accused took away both the deceased and thereafter both were killed and the witness Pankaj Choudhary has stated the name of the petitioner also.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Bihpur P.S. Case No. 62 of 2014 pending in the court of A.C.J.M. Naugachia.

(Jitendra Mohan Sharma, J)

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