

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25231 of 2016

Arising Out of PS.Case No. -458 Year- 2009 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Pramod Kumar son of Sri Huro Saw, resident of Bodhawan Talab, P.S.
Jamui, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Panchanand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 18-08-2016

Heard both sides.

The petitioner apprehends his arrest in connection with Kotwali (Tilkamanjhi) P.S. Case No. 458 of 2009 registered for the offence punishable under section 302 of the Indian Penal Code and Section 27 of the Arms Act pending in the court of the learned Chief Judicial Magistrate, Bhagalpur.

Wife of the deceased is the informant and she alleged that some unknown persons killed her husband in the night. When she came to her house, her neighbour Vandana Devi disclosed that at about 3.00 in the night they heard sound of firing and came out from the house but did not see any body.

During the course of investigation it has transpired that the informant is the chief conspirator and she had illicit relation with one Gulshan Kumar. The informant and Gulshan Kumar conspired each other to eliminate the deceased so that they may lead peaceful life. In pursuance of the aforesaid

conspiracy Gulshan Kumar, Pramod Kumar (petitioner) and Sumit Singh killed the deceased. Gulshan Kumar confessed his guilt and disclosed the name of Sumit Singh who also confessed his guilt and also disclosed the names of Gulshan Kumar and Pramod Kumar.

Learned counsel for the petitioner submits that Gulshan Kumar of course named the petitioner but he did not disclose the parentage and particulars of the petitioner. The informant simply disclosed the name of the petitioner but the parentage of the petitioner has not been disclosed by the persons who confessed their guilt. Petitioner is a Panchayat teacher and he has got no criminal antecedent. It has come during the course of investigation that Gulshan Kumar in his confession disclosed the name of the petitioner and other accused persons. He disclosed every minutes of the occurrence during the course of investigation. The address of the petitioner was verified and it has come that the petitioner is son of Huro Sah of village Rupabel and he is a member of the gang of dreaded criminal Munna Sah.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner. This application for anticipatory bail is, accordingly, rejected.

(Prabhat Kumar Jha, J)

Amin/-

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