

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51177 of 2015

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1. Md. Tanveer @ Md. Tanveer Alam Son of Md. Gyas, Resident of
Village- Lalpur, P.S.- Matihani, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Arun Kumar Singh 5 (App)

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

ORAL ORDER

4 07-04-2016

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, 201 and 34 of the I.P.C and section 27 of the Arms Act.

Allegedly, Raushan Kumar Kunwar, the son of the informant, went out from his house by the Hero Honda Splendor motorcycle but he did not return back till night and thereafter his dead body was found lying on Kharanja road having bullet injury and black mark on his neck. During investigation the name of the petitioner transpires in the statement of the witnesses, namely, Nitesh Kumar, Mukesh Choudhary and Laljee Kunwar, vide paragraphs- 34, 35 and 36 of the case diary that the deceased was

going with the petitioner on motorcycle. Further, on the basis of the call detail report it transpires that after murder of Raushan Kumar Kunwar the petitioner has used the mobile SIM of the deceased and thereafter the petitioner has also confessed his guilt.

Submission is of false implication and that there is no legal and tangible material against the petitioner, it can be a case of last seen, in the First Information Report it is not mentioned that Raushan Kumar Kunwar went with the petitioner and as such the development made during investigation is not reliable, the confessional statement has got no evidentiary value in the eye of law and without any cogent material the petitioner is suffering in custody since 24.05.2015, to which the learned A.P.P. opposes by pointing out the aforesaid statement of the witnesses.

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 Matihani P.S. Case No. 153 of 2014 pending in the court of Sri Bhupendra Kumar Pandey, J.M. 1st Class, Begusarai.

Abhay/-

(Jitendra Mohan Sharma, J)

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