

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55304 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -SABOUR District- BHAGALPUR

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1. Lakhpati Mallik @ Lakho son of Sri Sikandar Mallik resident of village -
Khankitta P.S. Sabour, Dist - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek

For the Opposite Party/s : Mr. Sharda Kumari(App)

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

5 19-02-2016

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

Allegedly, Rohit Kumar Munna, the son of the
informant, had gone to decorate on the eve of Sarswati Puja but he
did not return on 23.01.2015 and then on 26.01.2015 his dead
body was found and it is alleged that Rohit Kumar Munna was
killed by the FIR named five accused persons after slitting his
neck with sharp edged weapon and hide the dead body in a
dilapidated house. During investigation the name of the petitioner
transpires in the statement of the witness Ashok Kumar Das, vide
paragraph-49 of the case diary, and further in the confessional
statement of Pappu Das and thereafter the petitioner also

confessed his guilt and on the basis of the confessional statement the knife used in the crime and further the mobile of the deceased were recovered as the petitioner has sold that mobile to Ravi Kant Kumar for Rs.400/-.

Submission is of false implication and that there is no cogent and legal material against the petitioner, the recovered knife was not sent for forensic test to corroborate that the said knife was used in the crime, the said mobile was not recovered from possession of the petitioner and as such the petitioner who is suffering in custody since 16.03.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering the statement of the witness and further the confessional statement of co-accused and the petitioner leading to recovery of knife used in the crime and the mobile of the deceased, at present this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Sabour P.S. Case No. 16 of 2015 pending in the court of Sri Md. Salim, J.M. 1st Class, Bhagalpur.

However, considering custody of the petitioner let the trial be expedited.

(Jitendra Mohan Sharma, J)

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