

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58275 of 2015

Arising Out of PS.Case No. -67 Year- 2015 Thana -AKBARPUR District- NAWADA

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1. Madan Pandey Son of Late Devnandan Pandey R/o Village-Paharpur,
P.S.-Akbarpur, District-Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. R.B.Roy Raman(App)

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

4 16-03-2016 Heard the learned counsel for the petitioner, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offences

punishable under sections 363, 364, 302, 201 and 34 of the I.P.C

Allegedly, Monu Kumar Pandey, aged about five

years, son of the informant, was playing near his house but

thereafter he did not return till evening and inspite of hectic search

he was not traced out. During investigation his dead body was

recovered and from there pearl (Moti Garland) was also recovered

which was said to be of the petitioner. The petitioner was arrested

and he confessed his guilt.

Submission is of false implication and that the

confessional statement of the petitioner has been recorded forcibly, the recovered garland of pearl was not of the petitioner, there is no eye witness of the occurrence and as such the petitioner deserves sympathetic consideration, co-accused Saroj Lal @ Saroj Modi has been allowed bail vide Cr. Misc. No. 34197 of 2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner has confessed his guilt and further his garland was recovered from near the place of occurrence where the dead body of the deceased was found and other witnesses have also named the petitioner.

In the facts and circumstances as stated above, at this stage this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Akbarpur P.S. Case No. 67 of 2015 pending in the court of A.C.J.M.-II, Nawada.

(Jitendra Mohan Sharma, J)

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