

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39800 of 2016

Arising Out of PS.Case No. -475 Year- 2015 Thana -KANTI District- MUZAFFARPUR

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Pintu @ Chintu @ Rajnish @ Chintu Sah, son of Ram Pravesh Sah, resident
of village- Sain, Tole Brijlal, Police Station- Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Rajpati, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
29.01.2016 in connection with Sessions Trial No. 432 of
2016, arising out of Kanti (Panapur O.P.) P.S. Case No. 475
of 2015, G.R. No. 2607 of 2015 pending in the Court of
learned 8th A.D.J., Muzaffarpur registered for the offence
punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the
informant, is that his nephew was taken away by two persons,
Golu Thakur and the petitioner on a motorcycle and thereafter
nephew of the informant was found dead, who was killed
with knife blow.



It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated due to village politics and in fact the deceased had a dispute with one Balindar Sahni and other co-accused, Golu Thakur was regular visitor in the house of Balindar Sahni. He further submits that it is only on the basis of suspicion that the petitioner has been made accused and it is Balindar Sahni, who, in conspiracy with other accused persons in order to settle land dispute, had committed the offence. He further submits that nothing incriminating has been recovered from the possession of the petitioner.

However, learned A.P.P. for the State submits that the deceased had gone with the petitioner and other accused, Golu Thakur on a motorcycle and thereafter did not return back and he was killed. It has further been submitted that from perusal of various paragraphs of the case diary, the witnesses have supported the prosecution case and the deceased had gone from the house of the informant, hence, he submits that there is enough evidence against the petitioner for the alleged offence and opposes the prayer for bail.

Considering the submission of the parties and



the facts and circumstances of the case, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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