

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47420 of 2016

Arising Out of PS.Case No. -185 Year- 2016 Thana -CHANDAULI District- GAYA

Niraj Kumar @ Narayan Kumar S/o Prem Prasad, Resident of Mohalla-nawaw colony, P.S. - Delha, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 29-11-2016 Heard Mr. Krishna Pd. Singh for the petitioner and APP
for the State.

The petitioner prays for grant of bail in Chandauti P.S.
Case No. 185 of 2016 registered under sections 302, 120-B/34
IPC.

It is alleged that the petitioner had business terms with
the deceased. Subsequently, he declined to have business with the
brother of the deceased who had already invested a huge amount.
On an assurance that the dues will be paid on 16.06.2016, the
petitioner called the deceased. The informant also accompanied
him where there was a heated exchange of words and the full
amount was not paid. Threatening was held out to the deceased.

On the date of occurrence, on an information by the police, he went to the place of occurrence and found that his brother was shot dead and was brought to the hospital.

The contention of the petitioner is that there is no eye-witness to the occurrence. The petitioner is in custody since 25.06.2016 having no criminal antecedents. The charge sheet has already been submitted.

Learned APP, on the other hand, referring to paragraph 74, 83 and 93 of the case diary, states that witnesses have stated about the quarrel taking place between the petitioner and the deceased. It is stated that the petitioner also subsequently made a confessional statement. Paragraph 46 of the case diary contains call details of the mobile phone between the petitioner and the deceased. It is submitted that there are materials which connect the petitioner with the crime.

On the contrary, Mr. Singh states that the statements of the witnesses in paragraph 83 was recorded one month after the alleged occurrence.

Be that as it may, considering the materials available on records, the Courts, for the present, is not inclined to extend the petitioner the privilege of bail. Prayer for bail is accordingly

rejected.

The petitioner shall have liberty to renew his prayer for bail after six months if the trial does not record adequate/sufficient progress/headway.

(Kishore Kumar Mandal, J)

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