

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19878 of 2016

Arising Out of PS.Case No. -354 Year- 2016 Thana -KANTI District- MUZAFFARPUR

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Badal Kumar @ Chandan Mishra @ Badal Mishra, son of Late Dilip Mishra, resident of village- Paltu Belwa, P.S Chakiya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 15-07-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions Trial No.117 of 2016, arising out of Kanti P.S. Case No.354 of 2013, registered under Sections 302/34 of the Indian Penal Code besides Section 27 of the Arms Act, pending in the court of 14th Additional Sessions Judge, Muzaffarpur.

The accusation is that on 04.10.2013, the petitioner and four others, named in the F.I.R., and three unknown, on a Bolero vehicle, came at the house of the informant and accompanied his grand son, Monu Kumar. On 05.10.2013 in the morning at 09.30 A.M., the informant received information from

Kanti Police Station that the dead body of Monu Kumar is lying on N.H.28. Thereafter, the informant went to S.K.M.C.H. and identified the dead body to be of his grand son, Monu Kumar.

Learned counsel appearing on behalf of the petitioner submits that, admittedly, the petitioner alongwith four others, named in the F.I.R., and three unknown had taken the deceased Monu Kumar to the Registry Office at Chakia where sale deed was executed in favour of the co-accused Pankaj Mishra, the brother of the petitioner, in which the deceased Monu Kumar was one of the witnesses. In course of returning from Chakia, in the way, miscreants made firing on his vehicle in which the petitioner also sustained injury near his ear whereas the co-accused Pankaj Mishra also sustained injury on his right hand and, anyhow, they fled away from there and lodged Kanti P.S. Case No.153 of 2013 on 04.10.2013 and were admitted at S.K.M.C.H. Muzaffarpur but after lodging the present case, both fled away from the hospital and apprehended by the police on 12.01.2016 and since then the petitioner is in custody in the present case.

Admittedly, the deceased was taken by the petitioner and four others, named in the F.I.R., and three unknown on 04.10.2013 and on the next day in the morning, the informant received information from Kanti Police Station about lying of the

dead body of his grand son, Monu Kumar.

Having regard to the facts and the circumstances of the case, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

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