

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37453 of 2016

Arising Out of PS.Case No. -134 Year- 2015 Thana -KHAZANIHAT District- PURNIA

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1. Manish Kumar Sharma @ Samir Raj Son of Late Jagarnath Sharma @ Jagannath Sharma Resident of village - Milki Naya Tola, P.S. K.Hat (Maranga), District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar

For the Opposite Party/s : Smt Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 18-11-2016 Heard Sri Buxi S.R.P. Sinha, the learned senior counsel for the petitioner, Manish Kumar Sharma @ Samir Raj, the learned counsel for the informant as well as the learned Additional Public Prosecutor.

The petitioner seeks bail in K. Hat Sahayak P.S. case No. 134 of 2015 under Section 302, 120B, 34 of the Indian Penal Code.

The informant alleged that one Anish Raj had taken loan from his father and on demand Anish Raj had threatened to kill him. On the date of occurrence Anish Raj along with two other persons, namely, Satyajeet Kumar Dipak @ Sujit Singh and Manish Kumar Sharma @ Samir Raj, the petitioner, came and sat

along with his father. The informant went to purchase vegetables but on his return he saw all the three persons fleeing away from the room of his father and his father was crying. The informant saw injuries on the body of his father. It is alleged that all the three accused persons assaulted his father with knife.

Sri Buxi S.R.P. Sinha, the learned senior counsel for the petitioner, submits that statement of the informant is not worth reliable as the petitioner did not take any loan from the father of the informant. The petitioner has got no motive to accompany other two accused persons to the house of informant.

The learned counsel for the informant as well as the learned Additional Public Prosecutor, on the other hand, opposed the prayer for bail and submitted that informant saw all the three accused persons fleeing away from the place of occurrence. The petitioner was apprehended and on his confessional statement the knife was recovered from a bush. The prayer for bail of other two accused have already been rejected.

It appears that informant saw the petitioner along with two other accused persons coming to his house and after some time the informant saw them fleeing away from the room of his father. His father got stab injuries on different parts of his body. The petitioner confessed his guilt and in pursuance thereof

the dagger was recovered.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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