IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30838 of 2016

Arising Out of PS.Case No. -301 Year- 2015 Thana -PANCHRUKHI District- SIWAN

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1. Pappu Singh @ Umesh Chand Son of Late Krishna Singh Resident of Village- Sakra, Police Station- G.B. Nagar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Sri Siya Ram Sahi, Advocate
Sri Uday Kumar, Advocate
For the Opposite Party/s : Mr. P.K.Sahi, Sr. Advocate
Mr. Bipin Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 29-11-2016 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in jail since 25.11.2015 in a case registered for offences punishable under Sections 364 (A)/34 and sections 302, 201 and 120 (B) of the Indian Penal Code.

The prosecution case as lodged by the brother of the deceased is that during course of morning walk the brother of the informant was kidnapped by 6-7 unknown criminals forcibly, from the Railway platform, Panchrukhi with intention to kill or ransom.

It has been submitted by the learned counsel for the petitioner that he is not named in the F.I.R it is only on the confessional statement of the co-accused he has been made accused. He further submits that some of the co-accused specially Mahanth Singh on similar allegation has since been granted bail

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by this Court in Cr. Misc. No. 36806 of 2016 dated 26.10.2016 and refers to the order passed by the Co-ordinate Bench of this Court in Cr. Misc. No. 25824 of 2016 dated 22.06.2016, Cr. Misc. No. 9765/2016 and Cr. Misc. No. 11312 of 2016 and Cr. Misc. No. 12579 of 2016 all dated 29.04.2016, Cr. Misc. No. 18792 of 2016 and Cr. Misc. No. 20873 of 2016 dated 29.06.2016 wherein other co-accused have also been granted bail.

However, learned counsel for the informant submits that the petitioner is the Master planner of the entire occurrence and he has been kidnapped for ransom but in his own confessional statement, which is at para-105 of the case diary he stated that when there was no chance of ransom, they had done the ghastly act and cut the body into peaces and buried it. It has been submitted that the petitioner has himself shown the place where the dead body was buried and F.S.L. report also proves that the blood sample of the father of the deceased and that of the deceased match each other as per DNA test done.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

From perusal of the materials on record, I am not inclined to grant bail at this stage to the petitioner.

The bail application of the petitioner is hereby rejected.

(Nilu Agrawal, J)

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