

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19658 of 2017

Arising Out of PS.Case No. -296 Year- 2016 Thana -JAHANABAD District- JEHANABAD

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Prince Kumar @ Nepali Son of Late Kamal Singh, Resident of Village-
Jhutpani, P.S.+Distt- Tori, Nepal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar, Adv.

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 22-06-2017 Heard both sides.

The petitioner seeks bail in Jehanabad P.S. Case No. 296/2016, registered for the offences punishable under Section 365 of the Indian Penal Code. Later on sections 302, 201, 120B, 467, 468 and 471 of the Indian Penal Code and section 66 of the Information Technology Act are added.

The informant brother of the deceased alleged that his brother Mantu Kumar had gone to collect money from Mithilesh Kumar, but he did not return. The mobile no. 8083588035 and 7091204544 are switched off.

Learned counsel for the petitioner submits that petitioner is innocent. The name of the petitioner figured in the case on the basis of confessional statement of Raja Kumar



Goswami. Save and except confessional statement of Raja recorded under Section 164 Cr.P.C. there is no material against the petitioner. Similarly situated co-accused namely, Manish Kumar and Hare Ram Yadav have already been enlarged on bail vide order dated 22.03.2017 and 15.05.2017 passed in Cr. Misc. 13538/2017 and 10214/2017 respectively. It is further submitted that charges have already been framed and the petitioner also deserves bail.

Learned A.P.P. however, opposed the prayer for bail of the petitioner.

It appears that petitioner is not named in the F.I.R., but during the course of investigation, it transpired that the petitioner along with other accused persons including Raja Kumar Goswami and Sangal Swami hatched up a conspiracy to snatch A.T.M. and money from the possession of the deceased Mantu Kumar. They called him and confined in a room in pursuance of the aforesaid conspiracy after giving him intoxicant, but he did not survive on account of heavy dose of intoxicant and the accused persons burnt his dead-body.

It appears that Raja Kumar Goswami made inculpatory confessional statement before the Court and his statement has been recorded under Section 164 Cr.P.C. Raja



Kumar Goswami disclosed the entire facts as to how Mantu Kumar was killed by him and others including the petitioner Prince Kumar @ Nepali, Sangal Swami, Hare Ram Yadav and Manish Kumar. In pursuance of confession made before the Court the mobile of the deceased was recovered from the possession of Sangal Swami. The motorcycle of the deceased was also recovered by the side of river kept under the sand. It appears that the petitioner and others brutally killed Mantu Kumar for taking money from him.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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