

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29646 of 2017

Arising Out of PS.Case No. -168 Year- 2016 Thana -NAUGACHIA District- BHAGALPUR

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1. Rabindra Kumar Das @ Nand Kishore Das Son of late Dinbandhu Das,
Resident of Village-Nagrahm, Police Station-Naugachhia, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar

For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
28.09.2016 in connection with S.T. No. 398 of 2017 arising out of
Naugachia P.S. Case No. 168 of 2016 for offences punishable
under Sections 302, 120(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the wife of the
deceased is that while she had gone to the field for picking
vegetables, the deceased was in the house and when she came, she
found her husband injured with blood oozing out from the skull.
He was taken for treatment along with informant and the petitioner
but he died on the way.

It has been submitted by the learned counsel for the
petitioner that he is full brother of the deceased and the informant



is his *Bhabhi* and he has been falsely implicated in the aforesaid case. He submits that petitioner is not named in the F.I.R. and during course of investigation, as well as in his own confessional statement, before the police, his name surfaced. He submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that there was a long drawn property dispute between the deceased and the petitioner and blood stained articles were found near the place of occurrence and the petitioner has also confessed his guilt before the police.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with S.T. No. 398 of 2017 arising out of Naugachia P.S. Case No. 168 of 2016 pending in the court of learned Additional Sessions Judge-1st, Naugachia, Bhagalpur.

The learned court below is directed to conclude trial expeditiously.

(Nilu Agrawal, J)

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