

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29852 of 2017

Arising Out of PS.Case No. -6 Year- 2017 Thana -DERNI District- SARAN

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1. Mithilesh Rai, Son of Bhikhari Rai @ Braj Kishore Prasad Rai, resident of Village- Bhagwanpur, P.S. Awtarnagar, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Mishra

For the Opposite Party/s : Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 31-07-2017 The petitioner seeks regular bail in connection with Derni P.S. Case No. 06 of 2017, registered for offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is of killing the deceased.

It has been submitted on behalf of the petitioner that he has not been named in the F.I.R, his name transpired in this case during the course of investigation only on the basis of suspicion as father, brother and brother – in-law of the deceased stated that the instance of the deceased the petitioner was removed from the service and except that there is nothing against the petitioner. Further petitioner has no criminal antecedent and has been in



judicial custody since 12.05.2017.

Learned counsel for the State opposed the prayer for bail and submitted that statement of father, brother and brother – in – law of the deceased in para 39, 40 and 41 of the case diary father, shows suspicion about the involvement of the petitioner.

Having heard both sides, considering the fact and circumstances of the case and nature of allegation, at present, I am not inclined to release the petitioner on bail, his application for regular bail is, accordingly, rejected.

However, the petitioner may renew his prayer for bail after submission of charge-sheet and if any such application is filed the court below shall consider the same and if it is found that no allegation other than what is submitted by learned counsel for the petitioner, is found, he may release the petitioner on bail to his satisfaction.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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