

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36181 of 2017

Arising Out of PS.Case No. -97 Year- 2017 Thana -BARAHIYA District- LAKHISARAI

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1. Rajesh Kumar @ Chunni Singh S/o Late Sarovar Singh resident of village - Jaitpur, P.S. Barhia, District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 08-11-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since 23.05.2017 in connection with Barahia P.S. Case No. 97 of 2017 for offences punishable under Sections 302/201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that the petitioner along with six other persons and 3-4 un-known persons called his father and took him to the field, thereafter, he did not return. After two days, his dead body was found near the river under the sand which was taken out and was identified. The cause of enmity is that it is alleged that six years back, the



petitioner had taken Rs. 3,00,000/- (Rs. Three Lakh) from the informant's father and did not return.

It has been submitted by the learned counsel for the petitioner that he is innocent and the two cases pending against him apart from the present case, he has been exonerated. There is no eye witness to the alleged occurrence. It is submitted that the allegation is upon seven persons, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant opposes the prayer for bail stating therein that informant's father was last seen with the petitioner and other accused persons.

Learned APP for the State also opposes the prayer of bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner and accordingly, his prayer stands rejected in connection with Barahia P.S. Case No. 97 of 2017 pending before learned Chief Judicial Magistrate, Barahia.

However, the petitioner is at liberty to renew his prayer



for bail after framing of charge.

(Nilu Agrawal, J)

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