

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47243 of 2017

Arising Out of PS.Case No. -113 Year- 2017 Thana -MATIHANI District- BEGUSARAI

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1. Kanhaiya Kumar @ Kanahaiya Kumar Son of Bibhishan Kunwar, R/o
Vill.- Kaithma, P.S.- Muffasil, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Murlidhar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-11-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since
11.07.2017 in connection with Matihani P.S.Case No.113/17 for
the offences under Sections 326, 302/34 of the Indian Penal Code
and Section 27 of Arms Act.

The prosecution case, as lodged by the informant, is that
while his son Suman Kumar was at his house at 13.15 P.M. two
persons, namely, Kanhaiya Kumar son of Sunil Choudhary and
Golu Kumar son of Ramashish Singh, came on motor cycle and
took him away. Thereafter all the accused persons took him to the
house of Ramashish Singh and fired and hit him with sharp cutting
weapon on which he was seriously injured and while he was



treated in hospital, he succumbed to his injuries.

It has been submitted by the learned counsel for the petitioner that he has not been named in the F.I.R. but subsequently during course of investigation his name surfaced. He submits that charge sheet has already been submitted and that the petitioner does not bear any criminal antecedent.

However, learned A.P.P. opposed the prayer for bail stating therein that during course of investigation the complicity of the petitioner came to surface and he was also one of the associates who had beaten the deceased while firing was made by co-accused Golu Kumar. Petitioner along with others had beaten the deceased with iron rod and other weapons as stated by the petitioner in his confessional statement and in the post mortem report cause of death is firearm injury and death by sharp cutting weapons.

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.

(Nilu Agrawal, J)

AnilKrSinha/-

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