

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43195 of 2017

Arising Out of PS.Case No. -38 Year- 2016 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Mukesh Kumar son of Chandra Bhan Chaudhari Resident of Village -
Chandraha Rupwalia, Police Station - Bathwaria (Bagha), District - West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 01-11-2017 Heard both sides.

The petitioner seeks bail in Yogapatti P.S. Case No.
38 of 2016, registered for the offence punishable under Section
363 of the Indian Penal Code. Later on, Sections 364(A), 302,
201, 120B and 34 of the Indian Penal Code were added.

The prayer for bail of the petitioner was earlier
rejected vide order dated 28.11.2016 passed in Cr. Misc. No.
35611 of 2016 with a direction to conclude the trial within nine
months.

Sri Sanjay Kumar No. 7, learned counsel for the
petitioner submits that similarly situated co-accused persons
namely Kranti Sahani and Lalita Devi @ Manju have been granted



bail vide order dated 26.09.2016 passed in Cr. Misc. No. 26288 of 2016 and vide order dated 26.10.2016 passed in Cr. Misc. No. 37067 of 2016. Krishna Chaudhory @ Kishan Chaudhory and Mamta Devi have been granted bail vide order dated 09.01.2017 passed in Cr. Misc. No. 28606 of 2016 and vide order dated 26.04.2017 passed in Cr. Misc. No. 11646 of 2017. Another co-accused Rajkishore Sahani has also been granted bail vide order dated 17.05.2017 passed in Cr. Misc. No. 20214 of 2017, but I find from the records that a seven year child of the informant was kidnapped and firstly Lalita Devi confessed her guilt and disclosed the names of the accused persons including the petitioner. The petitioner Mukesh Kumar was also apprehended in pursuance of the disclosure made by other accused persons. Some articles were recovered in pursuance of the confession made by the petitioner.

It appears that the petitioner and others killed the minor boy aged seven years only to get ransom. A report was also called for and learned Additional Sessions Judge III, West Champaran, Bettiah disclosed that 18 witnesses out of 21 witnesses have already been examined and the remaining three witnesses are Government employees. The trial is likely to be concluded very soon.

Considering the facts aforesaid and the fact that a



minor boy was brutally killed for ransom, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day-to-day basis and conclude the same within four months from the date of receipt of this order. The S.P., West Champaran, Bettiah is directed to ensure the presence of the remaining three Government employees, who are witness in this case, on the next day fixed in the trial so that the trial must be concluded within four months.

Let a copy of this order be transmitted through Fax to the court of learned 3rd Additional Sessions Judge, West Champaran at Bettiah and the S.P., West Champaran, Bettiah for information and needful.

(Prabhat Kumar Jha, J)

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