

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10300 of 2017

Arising Out of PS.Case No. -298 Year- 2016 Thana -BARARI District- KATIHAR

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Pappu Yadav, S/o Ashkay Lal Yadav, Resident of Village- Guru Mela, P.S. Barari, District- Katihar. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Prasad, Advocate

For the Opposite Party : Mr. Nirmal Kumar Sinha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-04-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Barari P.S. Case No. 298 of 2016 (G.R. No.4238 of 2016), registered for the offence punishable under Section 302/34, 120 B of the Indian Penal Code.

Allegedly, Shiv Kumar Pandit the brother of the petitioner had gone to teach the children at village Jagdishpur, but he did not return till the evening and in the morning his dead body was found having cut injury on his neck. It is alleged that Tanuja Kumari used to come for tuition at the house of the informant and there was love affair between Tanuja Kumari and Shiv Kumar Pandit, and Tanuja Kumari has been married to the petitioner and then petitioner has taken away Shiv Kumar Pandit 10 days ago at his house thereafter Shiv Kumar Pandit had returned, but this time he was killed.



Submission is of false implication and that Shiv Kumar Pandit never went with the petitioner, the petitioner had got no criminal antecedent and only on suspicion he has been named in this case, there is no legal and tangible materials against him, the witnesses examined are own family members, there is no eye-witness of the alleged occurrence, on the date of occurrence, the petitioner was at his house which is 25 kilometers away from the place of occurrence and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that during investigation the informant in his re-statement and witnesses have supported the prosecution version. The petitioner is the husband of co-accused Tanuja Kumari, who was in love with the deceased and as the matter came in the knowledge of accused petitioner he along with others killed the deceased under conspiracy.

In the facts and circumstances as stated above, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Barari P.S. Case No. 298 of 2016, pending in the Court of learned Chief Judicial Magistrate, Katihar.

(Jitendra Mohan Sharma, J.)

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