

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24926 of 2017

Arising Out of PS.Case No. -70 Year- 2016 Thana -DEO District- AURANGABAD

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Chandan Kumar, S/o Nagendra Prasad, at present R/o Jangi Mohalla Deo
P.S. Deo, District - Aurangabad. Permanent R/o Biratpur, Aurangabad, P.S.
Aurangabad (Town), District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-07-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in custody since 28.12.2016
in connection with Deo P.S. Case No. 70/16 for the offences
alleged under Sections 302, 201, 120-B/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that his son left the shop but did not return. During search his
motorcycle was found parked in front of the house of the
petitioner. When informant enquired from the petitioner, he
feigned ignorance. On 25.12.2016 at about 1.30 P.M., the
informant received information about a dead body lying in a well
near Sirista Badhar, on which he along with others went there and



found the dead body of his son. Informant has suspected that the petitioner has killed his son.

It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated in the aforesaid case and there is no eye-witness to the alleged occurrence. It is submitted that his own extra judicial confession before the police has no evidentiary value in the eye of law. It is further submitted that another co-accused has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 19165 of 2017 on 12.05.2017 and just because the deceased and the petitioner were good friends and the motorcycle was found in front of the house of the petitioner that the petitioner has been made accused.

However, learned counsel for the informant submits that the petitioner has confessed his guilt of having killed the son of the informant by slitting his neck and throwing him in a well and throwing his clothes and belonging into another well.

Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage in connection with Deo P.S. Case No.



70/16, pending before the learned Chief Judicial Magistrate,
Aurangabad.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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