

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37038 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -DHANGAI District- BHOJPUR

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1. Awadhesh Mishra S/o Late Sheo Prakash Mishra. Resident of Village-
Dalitpur, P.S.- Dhangai, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-08-2017

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since 14.02.2017 in connection with Dhangai P.S. Case No. 07 of 2017 for offences punishable under Sections 302/120-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while his brother was going to his sister's house, was called by one Ram Ji Mishra and 10 persons named in the F.I.R. have assaulted his brother who succumbed to the injury.

It has been submitted by the learned counsel for the petitioner that there is no eye witness of the alleged occurrence and one of the co-accused has been granted the privilege of anticipatory bail as he is a College student. He submits that charge-sheet has already been submitted hence, there is no chance of tampering with the prosecution evidence and he has no criminal antecedent

However, learned counsel for the informant submits that it was a



cold blooded murder and the bail of some of the accused have been rejected by a co-ordinate Bench of this Court.

However, learned APP 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 privilege of bail to the petitioner at this stage and accordingly, his such prayer stands rejected in connection with Dhangai P.S. Case No. 07 of 2017 pending in the Court of learned C.J.M., Bhojpur (Ara).

However, the petitioner may renew his prayer for bail after framing of the charge.

(Nilu Agrawal, J)

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