

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42550 of 2017

Arising Out of PS.Case No. -147 Year- 2017 Thana -JAYNAGAR District- MADHUBANI

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1. Ajay Nayak @ Ajay Kumar Nayak Son of Late Deo Narayan Nayak,
Resident of Village-Bataunha, P.S.-Jai Nagar, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
31.05.2017 in connection with Jai Nagar P.S. Case No. 147 of
2017 for offence punishable under Section 302/34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that her husband Bablu Mahto, the deceased, had gone to market
to purchase some articles for the Mundan of daughter of his niece
and was informed by her Bhaisur that the petitioner had come in a
red motorcycle and fired on her husband as a result he died.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and there is no eye witness to the alleged occurrence. As per the FIR, it is not stated by the informant that the Bhaisur has seen the occurrence. He submits that independent witnesses have not supported the prosecution case supported by only interested witnesses and later on the *Bhaisur* has stated to be an eye witness in his statement, before the police, which contradicts the entire prosecution story. It is further submitted that although occurrence is of about 1:00 P.M. but inquest report was prepared before lodging the F.I.R., which also falsifies the prosecution case. Charge-sheet has already been submitted and there is no chance of tampering of the prosecution witnesses by the petitioner.

However, learned Counsel for the informant submits that the murder occurred in broad day light and the petitioner, who had some personnel enmity with the deceased, had killed him in the market place.

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 in connection with Jai Nagar P.S. Case
No. 147 of 2017 pending before learned Sub-divisional Judicial
Magistrate, Madhubani.

(Nilu Agrawal, J)

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