

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36631 of 2017

Arising Out of PS.Case No. -33 Year- 2017 Thana -BITHAN BAZAR District- SAMASTIPUR

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Bamffar Mukhiya @ Santosh Mukhiya, son of Kailash Mukhiya of village
Chhechhani, P.S. Bithan, District Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 13-10-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody
since 18.03.2017 in connection with S.T. No.
502/2017, arising out of Bithan P.S. Case No. 33/2017
for offences punishable under Sections 302/34 of the
Indian Penal Code and 25(1-b) A, 26, 35 of the Arms
Act.

The prosecution case, as lodged by the
informant, is that his son Bimlesh Kumar Yadav
(deceased) was taken away by the petitioner, two
named accused and two unknown accused persons and
after a short while firing shot was heard and his



another son Rupesh Kumar Yadav came running and stated that informant's son has been killed by the petitioner, two named accused and two unknown.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and no motive has been alleged behind the alleged killing. He submits that at the place of occurrence only some fused cartridges were found but there is no mention of blood although the deceased received fire-arm injury. He submits that there are five accused persons but only injuries are found as per the post mortem report.

However, learned APP for the State opposes the prayer for bail stating therein that other son of the informant is an eye-witness to the alleged occurrence and there are three injuries found on the deceased.

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 S.T. No. 502/2017, arising out of Bithan P.S. Case No. 33/2017, pending in the court of



learned Addl. District and Sessions Judge, Rosera,
Samastipur.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

Rajesh/-

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