

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31096 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -SAHAR District- BHOJPUR

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Amit Kumar @ Amit Kumar Roy Son of Santosh Roy, Resident of Village-
Gulatarpur, Police Station Sahar, District Bhojpur at Ara.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
27.02.2017 in connection with Sahar P.S. Case No. 11 of 2017 for
offences punishable under Sections 302, 120B/201 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his Bhagina Pince Kumar @ Ghutkun had come to his house
and while they were sitting on the door together, the petitioner
along with other four accused persons called him. Thereafter his
nephew went away and did not return and after search his dead
body was found in a well whose hands and legs were also tied.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that there is no eye witness to the alleged occurrence and that charge-sheet has already been submitted and there is also no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the deceased was last seen with the petitioner and thereafter his dead body was found in a well.

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 Sahar P.S. Case No.11 of 2017, pending in the court of learned Additional Chief Judicial Magistrate-X, Ara.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

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