

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2607 of 2017

Arising Out of PS.Case No. -143 Year- 2016 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

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1. Lakshman Kumar, S/o Ram Punit Roy, Resident of Village-Kursaha,
P.S.-Mohiuddinnagar, District-Samastipur Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Thakur
For the informant : Mr. Mahboob Ashraf, Advocate
For the Opposite Party/s : Mr. Matloob Rab (APP-34)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-03-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel representing the
State.

The petitioner seeks bail in connection with
Mohiuddinnagar P.S Case No. 143 of 2016 registered for the
offence punishable under Section 302 of the Indian Penal Code.

Allegedly, one unknown called the son of the
informant on his mobile No. 9709149443 and then the son of the
informant went outside and thereafter he became traceless and his
mobile was also switched of and in the morning his dead body was
recovered adjacent to the *gali*. There was a sickle and his neck was
half cut. During investigation, it transpires that on the mobile No.
8051828695 call was made and that was the last call and that
mobile was in the name of the Raghupati Paswan. Further it
transpires that mobile was misplaced and thereafter it transpires



that the petitioner was using the said mobile No. 8051828695 and accordingly, the petitioner was apprehended and he confessed his guilt.

Submission is of false implication and that during investigation no cogent and legal material has come. The said mobile was never used by the petitioner, the said mobile is not in the name of the petitioner and there is no connecting material, and as such, the petitioner deserves sympathetic consideration.

Learned A.P.P opposes the prayer of bail by submitting that the petitioner has confessed that he was using the said mobile vide para 69 of the case diary and further he confessed his guilt.

In the facts and circumstances stated above, considering that in the case diary there is sufficient material to show that the petitioner was using the said mobile by which the deceased was called and, as such, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Mohiuddinnagar P.S Case No. 143 of 2016 pending in the Court of learned A.C.J.M.-IV, Samastipur.

(Jitendra Mohan Sharma, J.)

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