

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11619 of 2017

Arising Out of PS.Case No. -663 Year- 2016 Thana -ARA NAWADA District- BHOJPUR

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Kamta Kuswaha (Prasad) son of Harihar Prasad resident of Mohalla -
Anaith, Police Station Ara Nawada, District - Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate.

For the Opposite Party : Ms. Indu Kumari Srivastava, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-04-2017 Heard both sides.

The petitioner seeks bail in Ara Nawada P.S. Case No. 663 of 2016, registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The mother of the deceased alleged that her son had gone to the house of his friend Niraj Kushwaha but his friend Raju Kumar came and inform that somebody killed her son. The informant suspected that the petitioner and others have killed her son and threw his dead body.

Learned counsel for the petitioner submits that there is no eye witness of the occurrence. Raju Choudhary confessed his guilt and disclosed that Gautam fired from his pistol which hit on



the face of the deceased and thereafter the petitioner and others took the dead body to a different place. At best the offence under Section 201 of the Indian Penal Code can be made out.

It appears that the deceased had gone to the house of the petitioner to participate in the Tilak ceremony of the son of the petitioner and Niraj Kushwaha another son of the petitioner happens to be his friend. The blood stain was found in the house of the petitioner and the dead body of the deceased was found somewhere else.

Considering the nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

The petitioner may if so advised renew his prayer for bail after remaining one year in judicial custody.

(Prabhat Kumar Jha, J.)

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