

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31964 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -KUNALI District- SUPAUL

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1. Mukesh Kumar Jha Son of Mahanand Jha, Resident of Village-
Sikarhatta, P.S.- Kunouli, Distt.- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
03.05.2017 in connection with Kunouli P.S. Case No. 05/2017 for
offences punishable under Sections 302, 34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that her husband returned home after performing puja and after
having food slept at the verandah. In the morning, a telephone call
came asking for him and when she went to wake up her husband
she found him seriously injured in a pool of blood, who
succumbed to his injuries.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history, not named in the First Information Report and has been falsely implicated in the aforesaid case. He submits that there was a dispute between the petitioner and the deceased regarding Rasta from the respective houses but that will not be an occasion for killing the deceased. He further submits that he has been implicated only on the basis of suspicion and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel appearing for the informant vehemently opposes the prayer for bail stating therein that there was a land dispute for Rasta between the parties and the independent witnesses have supported the prosecution case at paragraphs 38 to 40 of the case diary stating that times without number the petitioner has threatened the deceased of dire consequences.

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 Kunouli P.S. Case No. 05/2017, pending in the court of Shri Lal Bahadur Prasad,



learned Judicial Magistrate, Birpur, Supaul.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

Rajesh/-

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