

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23378 of 2017

Arising Out of PS.Case No. -14 Year- 2017 Thana -PAROO District- MUZAFFARPUR

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1. Avinash Rai @ Raja Babu @ Arvind Kr. Son of Mathura Prasad Yadav,
Resident of Village- Thengpur, P.S.- Paroo, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 10-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 01.03.2017 in
connection with Paru P.S. Case No. 14/17 for offences punishable
under Sections 302/34, 120-B of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that
his brother while attending the inaugural ceremony of the office of
the Block Chairman of Mukhiya Sangh got a telephone call and he
went with an assurance to come within five minutes, but
immediately thereafter he heard that some miscreants, named in
the First Information Report, have killed the brother of the
informant due to political rivalry.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and has been falsely implicated in the aforesaid case. He submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that in various paragraphs of the case diary, the prosecution witnesses and the independent witnesses have supported the prosecution case stating therein that the petitioner along with other co-accused due to political rivalry has killed the brother of the informant, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, since the prosecution witnesses and the independent witnesses have supported the prosecution case, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Paru P.S. Case No. 14/17, pending in the court of learned Judicial Magistrate, 1st Class, Muzaffarpur.

Application is, accordingly, rejected. However, it is expected that the trial be completed expeditiously.

(Nilu Agrawal, J)

Rajesh/-

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