

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25508 of 2017

Arising Out of PS.Case No. -585 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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Upendra Mahto @ Upendra Prasad Mahto Son of Muneshwar Mahto @ Muso Mahto, Resident of Village- Surari, Imam Nagar, P.S. Halsi, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lilawati Singh, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 04.12.2016 in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 585 of 2016 pending in the Court of learned Chief Judicial Magistrate, Lakhisarai registered for the offence punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

The prosecution case, as lodged by the wife of the deceased, Sukar Ram, is that after a call on the mobile phone of the husband of the informant, he went outside the house, but did not return till evening. The son of the informant tried to contact on



the mobile phone of his father, but it was switched off. The informant made search but her husband could not be traced. In the written report the informant has stated that her husband had altercation with Mukesh Thakur and his wife Rinku Devi for business transaction.

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 on the basis of the confessional statement of one Mukesh Thakur and his own confessional statement before the police, which has no evidentiary value in the eye of law. He submits that one of the co-accused, Naro Ram @ Naresh Ram has since been granted the privilege of anticipatory bail.

However, learned A.P.P. for the State submits that the prosecution has supported the involvement of the petitioner and the petitioner and co-accused Rinku Devi both after initial assault on the deceased have killed the informant's husband, which is evident from the confessional statement of the petitioner and other co-accused, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail



to the petitioner at this stage. This application is, accordingly,
rejected.

(Nilu Agrawal, J.)

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