

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35077 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -SAHAR District- BHOJPUR

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Mukesh Kumar @ Mukesh Singh @ Mukesh Sharma son of Anil Singh
resident of village Ekawari, P.S. Sahar, District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 14-09-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Sahar P.S.
Case No. 11 of 2017 for offences punishable under Sections 302,
120(B) and 201 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his nephew Prince Kumar (deceased) had come to his house
and both were sitting on the Darwaja on 28.01.2017 at 6.30 P.M.
The petitioner along with four other co-accused and two unknown
persons come and took away his nephew, thereafter he did not
return. Next day on search his dead body was found in a well
where his hands and feet had been found to be tied.



It has been submitted by the learned counsel for the petitioner that he is innocent and bears no criminal antecedent. He submits that it is a case of last seen hence the petitioner has been made accused and allegation is upon five named accused and two unknown persons. He submits that the mother of the deceased has stated that the wife of the deceased told him that on 29.01.2017 the deceased had taken money and gone and thereafter did not return which creates doubt as the informant had stated that deceased went out in the evening on 28.01.2017. He submits that there is no eye witness to the alleged occurrence, he is in custody since 16.02.2017, that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant as well as learned APP for the State oppose the prayer for bail stating therein that there was some money dispute with the other co-accused and the deceased was last seen with the petitioner. He submits that one of the co-accused on similar allegations who was seen going along with the deceased, his bail application has been rejected by this Court.

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 Sahar P.S. Case No.11 of 2017 pending in the court of learned A.C.J.M.-X, Bhojpur at Ara.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

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