

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11355 of 2018

Arising Out of PS. Case No.-41 Year-2017 Thana- NIRMALI District- Supaul

Shailendra Kamat @ Salendra Kamat, S/o Bahadur Kamat, Resident of
Village-Jarouli, P.S.-Nirmali, Dist.-Supoul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-03-2018 Heard learned counsel for the petitioner, learned counsel
for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
22.05.2017 in connection with Nirmali P.S. Case No. 41 of 2017
pending in the Court of Sri L.B. Prasad, learned Judicial
Magistrate, Birpur, District Supoul registered for the offence
punishable under Section 302 and other allied sections of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his son, Raushan Kumar was taken away by the petitioner
and other six accused persons for watching the D.J. show in the
night. Thereafter, he did not return. His dead body was found in
Kharak river and his gold chain, silver Karha and cash of Rs.
5,000/- were found missing.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and no such offence has been committed. He submits that his name surfaced only on the basis of confessional statement of co-accused Suman Kumar before the police, which has no evidentiary value in the eye of law. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses or evidence by the petitioner.

However, learned counsel for the informant opposes the prayer for bail stating therein that the mobile was found as per the confessional statement of co-accused Suman Kumar and it is the petitioner who had slit the throat of the deceased, as has been stated by co-accused Suman Kumar. All other co-accused have been granted the privilege of bail by coordinate Benches of this Court only on the ground that the petitioner is the main accused. Learned A.P.P. 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 the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.



However, petitioner is at liberty to renew his prayer for bail
after framing of charge.

(Nilu Agrawal, J.)

Arjun/-

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