

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17004 of 2018

Arising Out of PS.Case No. -70 Year- 2016 Thana -DEO District- AURANGABAD

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Chandan Kumar Son of Nagendra Prasad Resident of Village - Jangi
Muhalla, Deo, P.S. - Deo, District : Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 11-04-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

This is the second round of litigation. Earlier the
prayer for bail was rejected vide order dated 03.07.2017 passed
in Cr. Misc. No. 24926 of 2017.

Petitioner is languishing in judicial custody since
28.12.2016 in connection with Deo P.S. Case No. 70 of 2016 for
offences punishable under Sections 302/201/120B/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is



that his son left the shop but did not return. After information, the dead body of the informant's son was found in a well head and feet tied.

It has been submitted by the learned counsel for the petitioner that he is innocent, there is no eye witness to the alleged occurrence and just because of his confessional statement before the police which has no evidentiary value in the eye of law, he has been made accused in the present case.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that as per the confessional statement, the body of the informant's son was found and clothes were also found in another well.

In this regard a report was called for from the court of the learned Additional District and Sessions Judge-2nd, Aurangabad who has stated that charges have been framed.

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 Deo P.S. Case No.70 of 2016, pending in the court of learned Chief Judicial Magistrate, Aurangabad.

The application is, accordingly, rejected. However, the



petitioner may renew his prayer for bail after six months, if trial
is not concluded by that time.

(Nilu Agrawal, J)

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