

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27059 of 2019

Arising Out of PS. Case No.-767 Year-2018 Thana- NATHNAGAR District- Bhagalpur

KAPIL YADAV @ KAPIT YADAV Son of Late Kuseswar Yadav Resident
of Village- Balhowa, P.S.- Nath Nagar (Madhusudanpur), District- Bhagalpur.
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 17-08-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in connection with
Nath Nagar (Madhusudanpur) P.S. Case No. 767 of
2018 dated 22.12.2018 instituted for the offence under
Sections 147, 148, 149 and 302 of the Indian Penal
Code and Section 27 of the Arms Act.

The brother of the informant is said to have
been killed. The petitioner has not been named in the
FIR but his name has only transpired during the course
of investigation.

It has been submitted on behalf of the
petitioner that though his name has come during the
course of investigation but there is no direct accusation
against him of his having killed the deceased. All that
has been collected during the course of investigation is
that the petitioner was seen riding a motorcycle; the



deceased was waiting for him for some time and that he was later seen speeding away on his motorcycle.

It has been submitted that assuming every statement in paragraphs 5 and 6 to be true, they do not bring home the charge of murder against the petitioner.

The perusal of the order impugned indicates that the petitioner is an accused in several cases (21). There appears to be strong suspicion against the petitioner of having committed the murder of the brother of the informant.

Regard being had to the materials collected during the course of investigation and the criminal antecedents of the petitioner, I am not inclined to grant bail to the petitioner for the present.

The petitioner is said to be in custody since 19.01.2019.

In that view of the matter, this Court directs the investigating agency to conclude the investigation if it has not yet concluded the same as early as possible preferably within a period of four months of the receipt/production of a copy of this order.

The petition stands rejected with the aforesaid observation.

(Ashutosh Kumar, J)

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