IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39591 of 2019

Arising Out of PS. Case No.-181 Year-2018 Thana- MUFFASIL District-West Champaran

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ALOK KUMAR Son of Sri Mahesh Mahto Resident of Village-Singhachhapar, P.S.-Bettiah Muffasil, District-West Champaran.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Umesh Chandra Verma, Advocate.
For the Opposite Party: Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 22-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302/34 of the Indian Penal Code registered in connection with Bettiah Muffasil P.S. Case No. 181 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely on the confessional statement of co-accused Manish Kumar and Lucky Kumar Das, except which there is no objective material to connect the petitioner with the alleged occurrence. It is submitted that there is contradiction in the confessional versions with regard to manner of killing of the informant's brother. The weapon with which the deceased had been killed has also not been recovered. The petitioner claims clean antecedents.

4. Learned APP on the other hand opposes the petition, submitting on the basis of case diary that there was clear cut motive for the petitioner to commit the murder of the informant's brother Prakash Rai in connivance with co-accused

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Manish Kumar and Lucky Kumar Das. It is stated that the deceased had illicit relationship with the petitioner's sister and had threatened the petitioner and his family with dire consequences if the petitioner's sister was not allowed to marry the deceased. The petitioner's sister was finally married to another person on 01.05.2018 and the very next day the petitioner and others made plan to murder the deceased who went missing on the night of 02.05.2018. It is submitted that there may be minor variation in the confessional statement of co-accused Manish Kumar and Lucky Kumar Das but in substance the statements clearly indicate the active participation of the petitioner in the occurrence.

5. Having regard to the nature of accusations, gravity of the offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

(Vikash Jain, J)

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