

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74942 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

PRINCE KUMAR Son of Upendra Sharma @ Om Prakash Sharma Resident
of Village-Ner, Police Station Makhdumpur in the district of Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 10-01-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the informant and the

State.

Petitioner is languishing in judicial custody since
28.06.2018 in connection with Sessions Trial No.340 of
2018/194 of 2018 arising out of Makhdumpur P.S. Case No.132
of 2018 for the offence alleged under Sections 302 and
120(B)/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that his son Mananjay Sharma was married to one Moni Kumari
but she always threatened his son of dire consequences. While
the informant had gone to attend the marriage and though his
son and daughter-in-law were to join, but they did not attend the
marriage. In the night, the daughter-in-law Moni Kumari gave



telephonic information that the son Mananjay Sharma was ill but she with the help of the petitioner and other co-accused had already killed the informant's son.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in this case. He bears no criminal history and not been named in the FIR but only on the confessional statement of co-accused Moni Kumari that the name of the petitioner has surfaced. He submits that the statement of co-accused Moni Kumari before the police which has no evidentiary value in the eye of law. He further submits that the allegations are based on suspicion and surmises and being the cousin brother of co-accused Moni Kumari he has been roped in the said offence. He submits that the father of co-accused Moni Kumari has already been enlarged on bail in Cr.Misc.No.49834 of 2018 dated 01.10.2018 by a coordinate Bench of this Court.

However, learned counsel appearing on behalf of the informant submits that the confessional statement of co-accused Moni Kumari shows involvement of the petitioner in the said offence and the mobile location of the petitioner and the other co-accused Moni Kumari was found at the same place. He submits that the confessional statement of co-accused that the



son of the informant was strangled by her *dupatta* is also substantiated by the postmortem report wherein the injury was found at the back of the neck.

However, learned APP for the State opposes the prayer for bail.

Considering the same, the prayer for bail is rejected. However, the petitioner is at liberty to move the prayer for bail after framing of charge.

(Nilu Agrawal, J)

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