

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76087 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

Mitesh Kumar @ Nitesh Kumar, S/O Mukhtar Singh Yadav, R/O Village -
Karamnasha, P.S. Durgawati, District - Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Basant Kumar Chaudhary, Sr.Adv.
Mr.Shashi Bhushan Kumar, Adv.

For the Opposite Party/s : Mr.Md. Fahumuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-12-2019 Heard learned senior counsel for the petitioner and
learned counsel representing the State.

The petitioner in the present case is seeking regular
bail in connection with Durgawati P.S. Case No.218 of 2019
registered for the offence punishable under Sections 302, 201,
396, 412 and 120B/34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that
in this case a test identification parade was conducted in which
the injured Khalasi has though identified the co-accused Lal
Babu Baitha and Amit Singh, but has not identified this
petitioner. This is in fact the sheet-anchor of the argument of
learned senior counsel for the petitioner for the purpose of bail.

On the other hand, learned APP for the State has



drawn the attention of this Court towards the materials collected in course of investigation. It is submitted that in course of investigation police has done some scientific investigation as well and has found that the mobile of this petitioner was active in the locality in which the murder has been committed and this petitioner had been talking to the co-accused Lal Babu Baitha at least four times in that night. Apart from that, this petitioner has accepted in his statement under Section 164 Cr.P.C. that he had actively participated in the commission of crime with the co-accused. Not only that on this basis on the confessional statement of the co-accused recovery of the vehicle and other materials have also been made.

Considering the facts and circumstances of the case wherein this Court finds from the records that police has collected some material in course of investigation and has found that the mobile of this petitioner along with mobile numbers of co-accused were active in the area in question and this petitioner had been in touch with the co-accused and on several occasions he had been talking to him and he has in fact accepted his participation in the alleged crime in his statement before the learned Magistrate under Section 164 Cr.P.C., this Court would not be inclined to grant regular bail to the petitioner at this



stage.

This application is dismissed.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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