

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75839 of 2018

Arising Out of PS. Case No.-286 Year-2018 Thana- AMARPUR District- Banka

Nilesh Yadav S/o Parmanand Yadav Resident of Village-Chilkawar
Dumariya, Police Station Rajoun, Distt.-Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-01-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
01.06.2018 in connection with Amarpur P.S. Case No. 286 of
2018 for offences punishable under Sections 302, 120(B)/34 of
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as lodged by the informant is
that her husband was called by the petitioner to meet the
Mukhiya namely Manohar Pandit @ Munna for some
accounting and commission who went along with his younger
brother. Thereafter, the younger brother came after some time
stating therein that the petitioner along with three other co-
accused had resorted to indiscriminate firing and when the
informant went place of occurrence found her husband dead on
the spot.



It has been submitted by the learned counsel for the petitioner that he works as a Munsif to the other co-accused and he had just called the informant for some accounting with the Mukhiya, Manohar Pandit @ Munna. It is further submitted that the deceased himself was a veteran criminal and three cases under serious offences were pending against him. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the informant's husband was brutally murdered and as per the postmortem report there are four entry wounds on the vital part of the body, hence, the complicity of the petitioner is evident.

Considering the facts and circumstances of the case and materials on record, I am not inclined to grant the privilege of bail to the petitioner in connection with Amarpur P.S. Case No. 286 of 2018 pending before the court of the learned Chief Judicial Magistrate, Banka.

The bail application is accordingly, rejected.

(Nilu Agrawal, J)

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