

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37561 of 2020

Arising Out of PS. Case No.-187 Year-2020 Thana- JAMUI District- Jamui

=====

Mukesh Kumar @ Mukesh Pandit (Male) aged about 35 years, son of
Yogendra Pandit, resident of village- Pratappur, P.S. and District- Jamui
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate
For the State : Mr. Md. Arif, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-03-2021

Heard Mr. Niranjan Parihar, learned counsel for the
petitioner and Mr. Md. Arif, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with
Jamui PS Case No.187 of 2020 dated 10.04.2020, instituted
under Sections 302/34 of the Indian Penal Code.

3. The allegation against the petitioner, though not
named in the FIR, is of killing the son-in-law of the informant.

4. Learned counsel for the petitioner submitted that
only on suspicion and the so-called confessional statement, he
has been made accused, but without any legal evidence. It was
submitted that there is no eye witness and further, that on the
seizure list of the *Gatta*, which is alleged to be the weapon for



murder, the witnesses have not stated that recovery was in their presence. It was submitted that the petitioner is in custody since 12.04.2020.

5. Learned APP, from the case diary, submitted that there is sufficient evidence against the petitioner as it has come that he was having affair with the wife of the deceased i.e., the youngest daughter of the informant and had planned to get married after killing the deceased. It was submitted that on his confession the weapon i.e., *Gatta*, which was used for cutting the neck of the deceased, has been recovered with blood stain. It was submitted that on the seizure list witnesses have signed and there is no requirement that they should write what was recovered as that has been mentioned in the first portion itself and the witnesses have signed on the same.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

