

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6127 of 2021

Arising Out of PS. Case No.-563 Year-2019 Thana- JAMUI District- Jamui

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NIRAJ KUMAR, Son of Sri Naresh Mahto @ Naro Mahto, Resident of
Village-Kakan, P.S. and District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Mira Kumari

Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-11-2021 Heard learned counsel for the petitioner, learned

Additional P.P. for the State as well as learned counsel appearing

on behalf of the informant.

The petitioner seeks bail in Jamui P.S. Case No.563 of
2019, registered for the offences punishable under Sections 302/34
of the Indian Penal Code.

The prosecution case, in brief, is that the FIR named
accused persons killed the brother of the informant by slitting his
neck.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR and he has falsely been
implicated in the present case. During investigation, the name of
the petitioner surfaced in the case and he is made accused. It is
further submitted that similarly situated co-accused persons have
already been granted bail by different coordinate Benches of this



Court vide order dated 08.06.2020, 17.02.2021 and 27.10.2021, passed in Cr. Misc. No.7986 of 2020, Cr. Misc. No.28056 of 2020 and Cr. Misc. No.60148 of 2021 respectively. It is lastly submitted that the petitioner is in custody since 21.11.2020 and the petitioner has got one criminal antecedent as stated in supplementary affidavit filed by the petitioner.

Learned counsel for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submitted that the Investigating Officer collected sufficient electronic evidence against the petitioner. From perusal of paragraph 37 of the case diary, it appears that the petitioner called several times on the mobile of the deceased and thereafter the petitioner along with other co-accused persons brutally murdered the brother of the informant by slitting his neck.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

However, the petitioner may renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J.)

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