

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36372 of 2022

Arising Out of PS. Case No.-814 Year-2021 Thana- MADHEPURA District- Madhepura

Nitish Kumar @ Pallo Son Of Khattar Mandal R/O- Madhuban, P.S.-
Madhepura (Bharrahi O.P.), District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2022 Heard Mr. Rupesh Kumar, learned counsel for the
petitioner and the learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Madhepura (Bharrahi O.P.) P.S. Case No.814 of 2021
instituted under Sections 302,120(B)/34 of the Indian Penal
Code.

As per the FIR, Sunita Devi, the informant, mother of
the deceased Rahul Kumar, alleged that the accused persons
including the petitioner herein took her son and thereafter he did
not return. Later she came to know through the villagers that her
son's dead body has been thrown on the side of the road. She
rushed to the place and saw her son's dead body. Accordingly,
the present FIR was lodged.



Learned counsel for the petitioner submits that this is a last scene case inasmuch as no one has seen the occurrence and as such he is entitled to privilege of bail.

Learned APP on the other hand took this Court's attention to the observation made by the learned Sessions Judge in which it has been observed that after the implication of the petitioner, he was arrested and on his confession, the alleged '*Dabia*' which used for killing has subsequently been recovered/seized from his house.

Taking into account the aforesaid fact that has come in the order of the learned Sessions Judge not refuted by the learned counsel for the petitioner, this Court for the present is not inclined to grant him privilege of bail, which is accordingly rejected.

Before parting, this Court would like to put on record its word of appreciation for Mr. Rupesh Kumar, learned counsel appearing on behalf of the petitioner for the assistance rendered in the matter.

(Rajiv Roy, J)

Prakash Narayan /-

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