

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40728 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- GANGTA District- Munger

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Fudan Kumar @ Nitish Kumar S/O Bipin Mandal @ Bipin Kumar Singh R/O
Village- Khaira, P.S.- Haveli Kharagpur District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Sushmita Mishra, Advocate
		Mr. Surya Narayan Sah, Advocate
For the State	:	Dr. Mrityunjaya Kr.Gautam, APP
For the Informant/s	:	Mr. Amit Kumar Rakesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 20-02-2023 Heard learned counsel for the petitioner, learned counsel
for the informant as well as learned APP for the State.

Petitioner seeks regular bail in connection with Gangta
P.S. Case No. 21 of 2022 registered for the offences punishable
under Sections 302, 323,341 and 34 of the Indian Penal Code.

As per the prosecution, the informant alleged that this
petitioner along with other co-accused persons strangled the
informant's nephew to death.

The main submissions advanced by learned counsel Ms.
Sushmita Mishra, appearing for the petitioner are that in the
instant matter there is no eye-witness of the alleged murder, FIR
was lodged after the delay of two days from the date of missing
of the victim and no missing complaint was filed just after
missing of the victim and only allegation against the petitioner



is that three days before the commission of the alleged murder an altercation took place in between the petitioner and the deceased and other ground made by the prosecution for roping the petitioner in the alleged crime is his Mobile Phone's tower location while admittedly the deceased and petitioner belong to the same village, so the said ground is not proper and tenable. Further submission is that the petitioner himself surrendered before the court below.

Learned APP Dr. Mrityunjaya Kr.Gautam, as well as learned counsel Mr. Amit Kumar Rakesh, for the informant has vehemently opposed the prayer for bail and submitted that the incriminating materials particularly the rope which was used in the commission of the alleged murder was recovered from the house of this petitioner in following with the disclosure statement of co-accused namely, Ankit Kumar and in this regard paragraph No. 59 of the case diary is relevant.

Having considered the seriousness of the occurrence which relates to murder and the petitioner is named in the FIR and there is direct allegation against the petitioner and in following with the disclosure statement made by the co-accused as mentioned above the recovery of incriminating materials from the house of this petitioner is going against the petitioner,



in the opinion of this Court the petitioner does not deserve to the
privilege of bail. Accordingly, petitioner’s prayer for bail stands
rejected.

(Shailendra Singh, J.)

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