

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46538 of 2022

Arising Out of PS. Case No.-114 Year-2020 Thana- BITHAN BAZAR District- Samastipur

RAJA MUKHIA @ RAJA KUMAR S/o Devnandan Mukhiya Resident of
Village- Fultora, P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 16-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Bithan
P.S. Case No.114 of 2020 registered for the offences punishable
under Sections 302 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the prosecution, the informant's son was
murdered by this petitioner along with other unknown persons.

The main submissions advanced by the learned
counsel Mr. Binod Kumar Sinha for the petitioner are that as per
the prosecution's story mentioned in the FIR, the informant is
not an eye witness of the alleged murder and during the relevant
time when the victim talked with his father over a phone call, he
did not reveal the name of this petitioner as being in his



company and during investigation, no witness claimed to have seen this petitioner or any other person killing the deceased and the petitioner has fair and clean antecedent and has been languishing in jail since 11.04.2022.

Learned APP Mr. Rabindra Kumar appearing for the State has opposed the bail prayer and submitted that the deceased was lastly seen in the company of the petitioner who is named in the FIR and investigation is pending in respect of the alleged mobile communication which was made in between the deceased and the petitioner during the relevant time.

Heard both the sides and perused the FIR. The instant matter relates to murder and the petitioner is named in the FIR and the informant suspected the petitioner to be involved in the alleged murder of his son and as per the informant the victim was in petitioner's company on his motorcycle at the relevant time of the alleged occurrence and as per the prosecution the investigation is still running in respect of the last mobile communication between the petitioner and the deceased, in the light of these facts, I am of the view that the petitioner does not deserve to the privilege of bail at this stage. Accordingly, his bail prayer stands rejected.

The petitioner may renew his bail prayer after the



completion of the investigation which is said to have been kept pending in respect of the alleged mobile communication between the petitioner and the victim as per learned APP.

(Shailendra Singh, J)

sangam/-

U		T	
---	--	---	--

