

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32576 of 2015

Arising Out of PS.Case No. -5 Year- 2014 Thana -SIKANDARA District- JAMUI

Nawal Mahto, S/o Late Sugdeo Mahto, Resident of Village-Dighout, P.S. Sikandra, District Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Nagendra Pd.(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 04-11-2015 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Sikandra P.S. Case No.05 of 2014 for allegedly having committed the offence under Section 302/201 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Sri A.K. Singh, Judicial Magistrate, 1st Class, Jamui.

Learned counsel for the petitioner submits that only because the deceased was seen in the house of the petitioner for the past one month, his name has been included in connection with the present case on suspicion. However, learned counsel further submits that, in fact, the deceased had not been living at

all in his house for the last one month and the said fact which has come in the case diary is nothing but is a misnomer. The deceased was only known to him.

Considering the contradictory stand taken by the petitioner, there appears to be some element of suspicion as the case diary clearly indicates that the petitioner had housed the deceased and they had gone together to attend the call of the nature.

Under such facts and circumstances and the materials available on the record of the case diary, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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