

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27151 of 2015

Arising Out of PS.Case No. -24 Year- 2014 Thana -BABUBARHI District- MADHUBANI

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1. Indra Nand Choudhary Son of Shri Lal Choudhary resident of village -
Chandrasonpur, P.S. Rahika, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Dasrath Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-07-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Babubarhi P.S.Case No. 24 of 2014 instituted under Section 302 of the Indian Penal Code, pending in the Court of Shri M.K. Srivastava, Judicial Magistrate, 1st Class, Madhubani.

The informant has alleged that on 7.3.2014 at 8.30 a.m. in the night when his neighbour Lal Mahto and others named in the written petition were going to Madhubani for Barati by Bolero vehicle of the informant bearing no. BR-06P-9964, then the driver of his vehicle Dinesh kumar Yadav demanded side from pick-up van no. BR 06G-6938 going ahead his vehicle, then the owner of that vehicle stopped his pick up van and got down from the vehicle by stating that ‘Sala driver Hokaar Side Mangta Hai’. He pulled Dinesh from the vehicle, got him fell, tied Gamcha in his neck and that driver and owner of that pick up van began dragged him till about 25’- 30’ consequent of which back of his brother scratched. At once the informant took his brother to hospital at Babubarhi where doctor declared him dead.

It has been submitted on behalf of the petitioner that the petitioner is the owner of the vehicle, in question. Further it has been submitted that the petitioner has got no criminal antecedent. It is also submitted that the petitioner has falsely been implicated due to village politics. It is further submitted that the petitioner was not present at the place of occurrence when the occurrence has taken place. Further, it is submitted that the son of the petitioner, who ran the vehicle, in question. No specific injury has been attributed against the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

However, if the petitioner surrenders in the court below within a period of four weeks and pray for regular bail, the same shall be considered by the court below without being prejudiced by this order of rejection.

(Sudhir Singh, J)

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