

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4875 of 2015

Arising Out of PS.Case No. -393 Year- 2014 Thana -BIHPUR District- BHAGALPUR

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Tapan Choudhary S/O Late Pasupati Chaudhary R/O Maujamabad, P.S-
Bihpur (Bhawanipur) Distt.- Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar, Advocate.

For the Opposite Party : Mr. Yogendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 25-06-2015 Heard both sides.

The petitioner apprehends his arrest in Bihpur P.S. Case No. 393 of 2014, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The informant wife of the deceased alleged that she heard sound of firing and saw her husband lying dead. She further alleged that the petitioner and other accused persons were demanding extortion and they had earlier made an attempt to do away with the life of the husband of the informant.

It is submitted that except suspicion there is no material to show that the petitioner has got any hand in murder of the husband of the informant. The informant herself developed illicit relation. One complaint petition is filed stating that the informant

and her servant killed the deceased and falsely implicated the petitioner and others.

From perusal of the record, it appears that the informant has stated in the FIR that the petitioner and others were demanding extortion. The informant in her further statement disclosed that she saw the petitioner and others fleeing away from the place of occurrence. The petitioner has got criminal antecedent and he is also accused in a case registered under Section 302 and other Sections of the Indian Penal Code in Bhawanipur Bihpur P.S. Case No. 161 of 2001 and Bhawanipur Bihpur P.S. Case No. 269 of 2005.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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