

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10566 of 2015

Arising Out of PS.Case No. -254 Year- 2013 Thana -KHAGARIA District- KHAGARIA

Dharmendra Rajak Son of Munna Rajak resident of Village- Gopi Tola,
Police Station Gangour, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Pradip Nr.Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-07-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with
Khagaria (Gangaur) P.S. Case No. 254 of 2013 registered for the
offences punishable under Sections 302, 201, 120(B)/34 of the
Indian Penal Code.

The case diary of the present case has also been
received.

Learned counsel for the petitioner submits that the
allegation, levelled against the petitioner is of mere suspicion and
he has not been named in the first information report. It is further
submitted that petitioner's name has surfaced subsequently on the
basis of the statement of uncle of the wife of the deceased, Babita
Devi and, as such, the petitioner may not be prosecuted on the

basis of mere suspicion.

Learned counsel for the State, after perusing the case diary, referred several paragraphs wherein it has been indicated that the petitioner was the paramour of Babita Devi, wife of the deceased. It is further submitted that the two uncles of Babita Devi have clearly stated that she alongwith the petitioner had also indulged in Mar-pit as the deceased was having illicit relation with the petitioner from before, and whenever the deceased used to prevent her, he, being physically handicapped person, was being maltreated and brutally assaulted.

Considering the materials, available in the case diary and also considering the suspicion raised against the petitioner, I am not inclined to grant anticipatory bail to the petitioner.

It is, accordingly, rejected.

(Anjana Mishra, J)

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