

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27474 of 2015

Arising out of PS.Case No. -22 Year- 2015 Thana -CHIKSAUR District- NALANDA
(BIHARSHARIFF)

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Mahesh Singh @ Manager Singh, resident of Musadhi, P.S. Chiksaura,
District Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate.

For the Opposite Party : Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2015 Heard learned senior counsel for the petitioner, learned
counsel for the informant and learned counsel for the State

The petitioner is apprehending his arrest in connection with
Chiksaura P.S. Case No. 22 of 2015 for the offences instituted
under Sections 302, 147, 148,149 of the IPC and 27 of the Arms
Act.

The prosecution story, in brief, is that while the father of
the informant was returning home from Badhar after attending call
of nature, the accused persons including the petitioner surrounded
him and co-accused Dhanesh Singh fired from his pistol hitting his
forehead as a result of which he fell down and was taken to Patna
for treatment where he succumbed to his injury.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that from perusal of the F.I.R. it would appear that the informant is not an eye witness to the occurrence. There is no overt act alleged against the petitioner nor any injury has been attributed against the petitioner.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Chiksaura P.S. Case No. 22/2015, pending in the court of the learned C.J.M, Nalanda. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)