

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10382 of 2016

Arising Out of PS.Case No. -243 Year- 2013 Thana -DALSINGHSARAI District- SAMASTIPUR

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Baiju Paswan son of Bijali Paswan, R/o Village Loknayakpur, Ward No. 13, P.S. Dalsinghsarai, Distt. Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Vidyarthi, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 10-08-2016 Heard both sides.

The petitioner apprehends his arrest in Dalsinghsarai P.S. Case No. 243/2013, registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

The son of the informant alleged that his father was sleeping on the roof on 18.07.2013, but in the next morning the dead body of his father was found in a Banana orchard. The sons of Tikuliwali had assaulted his father earlier. It is further alleged that Baiju Paswan (petitioner) used to come at the house of the informant and the petitioner and other accused persons committed murder of his father.

Learned counsel for the petitioner submits that there is no eye-witness of the occurrence. As per the F.I.R., the father of

the informant was sleeping on the roof and nobody has seen the deceased going outside the house with anyone. There is absolutely no evidence to show the involvement of the petitioner. The deceased had illicit relation with Tikuliwali and her son earlier assaulted the deceased, but on perusal of the case diary it appears that Ajit Mahto in para 13 disclosed that on 18.07.2013 Baiju Paswan (petitioner) came and demanded tobacco and he took the deceased Ashok Mahto with him. On the next morning the dead body of the deceased was found.

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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