

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10604 of 2016

Arising Out of PS.Case No. -28 Year- 2015 Thana -MADHWAPUR District- MADHUBANI

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1. Subhash Mahaseth Son of Shambhu Mahaseth Resident of Village-
Pirokhar Ps Madhwapur District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari

For the Opposite Party/s : Mr. Arun Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,447,341,323,504 and 364 of the Indian Penal Code. Subsequently, section 302 IPC was added.

The prosecution case is that on 8.7.2015 at 12 O'clock while the informant was sleeping with his younger brother Biranchi Mahaseth on the verandah, in the meantime, the petitioner along with others came with deadly weapons, they tied the hands and gagged the brother of the informant Biranchi Mahaseth and took him away. Subsequently, dead body of the brother of the informant was recovered.

It is submitted by the learned counsel for the petitioner

that in the background of land dispute the accusation has been levelled and except the informant none have seen the occurrence. The impugned order reflects that co accused Nunu Sah has admitted in confession that he along with the petitioner kidnapped the victim whereas other witnesses Baijnath Mishra, Pramod Mahaseth and Priyanka Kumari admitted that the petitioner and others have kidnapped the victim.

Considering the nature of accusation, this court is not inclined to grant anticipatory bail to the petitioner in connection with Madhwapur P.S. Case No. 28 of 2015 pending in the court of learned JM Ist Class, Benipatti, Madhubani.

This application is, accordingly, dismissed.

(Dinesh Kumar Singh, J)

Anil/-

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