

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16147 of 2016

Arising Out of PS.Case No. -77 Year- 2014 Thana -RUNISAIDPUR District- SITAMARHI

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Aash Narain Mahto @ Ash Narayan Mahto son of Sogarath Mahto, resident
of Village- Ram Khetari, P.S.- Aurai, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate.

For the Opposite Party : Ms. Pushpa Sinha 2(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 15-07-2016 Heard both sides.

The petitioner apprehends his arrest in Runnisaidpur P.S.
Case No. 77 of 2014 registered for the offences punishable under
Sections 147, 148, 149, 323, 325, 307, 332, 333, 353, 427, 379 and 414
of the Indian Penal Code.

Allegation against the petitioner is that the petitioner and
others were making protest against the police, the petitioner and others
are alleged to have snatched the SLR rifle from possession of a
constable.

It is submitted that five persons are said to have snatched
the SLR rifle from the possession of the constable. Kailash Sah the co-
accused has already been enlarged on anticipatory bail vide order
passed in Cr. Misc. No. 47721 of 2014 by a coordinate Bench of this
Court and another co-accused Raju Thakur has been enlarged on

anticipatory bail in A.B.P. No. 265 of 2016 by the learned Sessions Judge. It is further submitted that no copy of seizure list was served upon any family member of the petitioner. The seizure list witnesses are not of the same village. The seizure list itself creates reasonable doubt about the recovery of SLR rifle from the house of the petitioner.

It appears that, of course, five persons are alleged to have snatched the SLR rifle from the possession of the constable but the same SLR was recovered from the house of the petitioner. Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order and taking into consideration that other persons who are said to have snatched the SLR rifle have already been granted anticipatory bail and dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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