

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30182 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -PHULWARI District- PATNA

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1. Arun Kumar son of Shri Shyam Dayal Rai, resident of Alampur P.S.
Phulwarisharif, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 09-09-2016

Heard both sides.

The petitioner apprehends his arrest in Phulwarisharif
P.S. Case No. 229 of 2015, registered for the offences punishable
under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR. Name of the petitioner figured
in the case during course of investigation. The witnesses have
named the petitioner as well as other accused persons who also
assaulted the deceased.

It is submitted that the deceased was a thief and had
come to steal the animals but on chase one person was
apprehended and the entire villagers assaulted the thief, who died
during course of treatment.

It appears that during course of investigation many witnesses have stated that the petitioner is also one of the assailants of the deceased. Similarly situated co-accused has been granted regular bail.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

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 and his prayer shall be considered taking into consideration that Shankar Thakur who is named in the FIR has already been granted regular bail and the case of the petitioner stands on the same and similar footing. The court below shall dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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