

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32034 of 2016

Arising Out of PS.Case No. -57 Year- 2015 Thana -GWALPARA District- MADHEPURA

1. Mantosh Yadav @ Mantosh Kumar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Kumar

For the Opposite Party/s : Mr. Sri Dilip Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 23-09-2016 Heard both sides.

The petitioner, Mantosh Yadav @ Mantosh Kumar, apprehends his arrest in Gwalpara P.S. case No. 57 of 2015 under Section 302/34 of the Indian Penal Code.

The widow of the deceased alleged that her husband was killed by Papplu Yadav, Laltu Yadav and petitioner as they were threatening him from before.

The learned counsel for the petitioner submits that there is no eye witness of the occurrence. The name of the petitioner figured in the case on mere suspicion and the petitioner has no criminal antecedent.

It appears that the case is still under investigation. Similarly situated accused Laltu Yadav has been granted regular

bail vide order passed in Cr. Misc. No. 12292 of 2016.

Considering the facts aforesaid and the seriousness of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., Shri Ashok Kumar-II, learned Judicial Magistrate, 1st class, Udakishunganj (Madhepura), in Gwalpara P.S. case No. 57 of 2015, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that Laltu Yadav, whose case stands on same footing as that of petitioner, has already been enlarged on regular bail and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

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