

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32123 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -KATIHAR MUFFASIL District- KATIHAR

- =====
1. MANOJ SAH @ MANOJ KR. SAH
2. Anup Lal Sah S/o late Lakhan Sah Both are Resident of Village- Lava,
P.S. Pranpur, (Roshna), District Katihar Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 23-09-2016 The learned counsel for the petitioners submits that

petitioner No.1, Manoj Sah @ Manoj Kr. Sah, has already been

arrested. Accordingly, the prayer for anticipatory bail of petitioner

No.1 is dismissed as has become infructuous.

Heard both sides.

The petitioner No.2, Anup Lal Sah, apprehends his

arrest in Muffasil P.S. case No. 11 of 2016 under Section 394, 302

of the Indian Penal Code.

The informant lodged the case against unknown for

killing of his brother, Lakhan Lal Agrawal.

It is submitted that there is no eye witness of the

occurrence. Save and except suspicion there is no material in the



entire case diary. It is further submitted that brother of the deceased only suspected that since Manoj Sah and the petitioner along with Raj Kumar Mandal were on inimical term with the deceased, on account of land dispute, therefore, they might have committed the murder of Lakhan Lal Agrawal. The Dy. S.P. in his supervision note also found the case true against unknown under Section 394, 302 of the IPC.

On the other hand the learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for anticipatory bail and submitted that Manoj Sah and Raj Kumar Mandal have earlier also made attempt to kill Lakhan Lal Agrawal on account of land dispute. There was case and counter case. Petitioner along with his brother Manoj Sah filed Mutation Appeal and petitioner has also got land dispute with the deceased.

Considering the facts aforesaid and the fact there is strong suspicion that the petitioner and others have committed the murder of deceased and similarly situated accused Raj Kumar Mandal has been granted regular bail, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner, Anup Lal Sah, surrenders in the

court below, i.e., the learned Chief Judicial Magistrate, Katihar in Katihar Muffasil P.S. case No. 11 of 2016, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated accused, Raj Kumar Mandal, has already been granted regular bail.

(Prabhat Kumar Jha, J)

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