

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50752 of 2015

Arising out of PS.Case No. -262 Year- 2014 Thana -KHAJEKALA District- PATNA

Raj Sinha, Son of Chandra - Shekhar @ Mantu, resident of Belwarganj, P.S. Alamganj District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shashi Shekhar Sharma, Advocate.

For the Opposite Party : Mr. Smt. Meena Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Khajekallan P.S. Case No. 262 of 2014 for the offences instituted under Sections 302, 120(B) of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 02.11.2014 at about 2.30 P.M., the son of the informant went away from his house. When at about 3.00 P.M., the deceased reached at *Durakhi Gali* by Tempo, some unknown person shot to his son and he failed down and they fled away. The son of the informant was admitted at N.M.C.H. thereafter he was referred to P.M.C.H. where his treatment was going on but during treatment he died.

It has been submitted on behalf of the petitioner that the petitioner is not named in the FIR. It is a case of last seen as it transpires from paragraph no. 26 of the case diary that there is no direct or indirect evidence against the petitioner.

On behalf of the State it has been submitted that the petitioner has three criminal cases against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Khajekallan P.S. Case No. 262/2014, pending in the court of the learned S.D.J.M., Patna City, Patna. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)