

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46570 of 2016

Arising Out of PS.Case No. -512 Year- 2015 Thana -BUXAR District- BUXAR

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Nanhe Srivastava, Son of Rameshwar Prasad Srivastav Resident of
Mohalla- Sohanpatti, P.S.- Buxar (Town), District- Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate.

For the Opposite Party : Mr. Mithilesh Kumar Khare, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-12-2016 Heard both sides.

The petitioner apprehends his arrest in Buxar Town P.S.
Case No. 512 of 2015, registered for the offences punishable
under Section 307 and other Sections of the Indian Penal Code.
Later on, Section 302 of the Indian Penal Code was added.

Urmila Mehta, the wife of the deceased, alleged that
Vivek Kumar @ Sunny, Prakash Kumar, Nanhe uncle of Vivek
Kumar @ Sunny, the petitioner and Sujit Srivastava came to her
house and asked her husband to withdraw the case. When the
informant's husband refused to withdraw the case, the petitioner
instigated Prakash Kumar, Sujit Srivastava and Vivek Kumar @
Sunny and Vivek Kumar @ Sunny fired at her husband. The
accused persons also fired but the son of the informant fled away.



Learned counsel for the petitioner submits that the petitioner is not the assailant of the deceased. The petitioner is not accused in Buxar (Mahila) P.S. Case No. 38 of 2015. Gopal @ Sallu, the brother of Vivek Kumar @ Sunny was an accused in that case. The petitioner had no occasion to come to the house of the informant and asked her husband to withdraw the case but it appears that the informant made very specific allegation that the petitioner and others instigated Vivek Kumar @ Sunny when the husband of the informant refused to withdraw the case Vivek Kumar @ Sunny fired causing injury to the husband of the informant who later on died.

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

(Prabhat Kumar Jha, J.)

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