

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47644 of 2016

Arising Out of PS.Case No. -26 Year- 2014 Thana -BELA District- SITAMARHI

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1. Mahesh Sah Son of Late Sahdeo Sah Resident of Village-Kachharipur,
P.S. Sonebarsa, District-Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 15-11-2016 Heard Mr. Pushpendra Kumar Singh for the

petitioner and the APP for the State.

Petitioner, apprehending his arrest in connection
with Bela P.S. Case No. 26 of 2014 registered under Sections 323,
363, 364 and 365 of the Indian Penal Code, has prayed for grant of
anticipatory bail.

The allegation is that the son of the informant was
entrusted to the petitioner for taking him along to Punjab for
earning livelihood. Neither the payment as assured was made nor
the boy returned. The informant has alleged that he was done to
death.

Contention of the petitioner is that merely on
suspicion, the allegation has been levelled. The son of the
informant was mentally retarded. He must have escaped and

become traceless.

Learned APP opposed the prayer and said that the victim is still traceless. The learned Sessions Judge in the impugned order has found support of the prosecution case.

Considering the seriousness of the allegation and the materials reflected from the record, I am not inclined to enlarge the petitioner on anticipatory bail. Prayer is rejected.

However, in the light of the observation made by the learned Sessions Judge in the order, the petitioner, if surrenders and prays for bail, the same shall be considered on its own merit uninfluenced by the present order.

(Kishore Kumar Mandal, J)

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