

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49959 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -RAMKRISHNANAGAR District- PATNA

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1. Mithlesh Paswan @ Ramanand Paswan, aged about 40 years, son of Late Gurucharan Prasad, resident of - Chandi Dih, P.S.- Chandi, District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kripanand Kumar Prabhakar

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-12-2016 Counter affidavit has been filed on behalf of the informant. Let it be kept on record.

Heard the learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. representing the State.

The petitioner seeks anticipatory bail in connection with R.K. Nagar P.S. Case No. 109 of 2015 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Nutan Kumari @ Pinky Sinha was married with the petitioner about 23-24 years ago and after marriage, the petitioner used to torture her resulting the sister of the informant



was doing private job, which was not liked by the petitioner and he was trying to kill her and ultimately, on 05.06.2015 when Nutan Kumari @ Pinky Sinha was returning from her job, the petitioner shot her dead which was seen by Sahil Kumar @ Golu and Sahil Kumar @ Golu stated about the occurrence to the informant.

Submission is of false implication and that the informant only with a view to implicate the petitioner has manipulated a false story. At that time, the petitioner was in a meeting at Chandi, Samudayik Bhawan, Durga Asthan, which is supported by the Mukhiya and Sarpanch. The petitioner has been made victim of the circumstances. The prosecution story appears not reliable, from earlier there was no F.I.R. or complaint and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that in counter affidavit, the statement of Sahil Kumar @ Golu recorded under Section 164 Cr.P.C. has been annexed from which it reveals that the petitioner is the main assailant.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to grant privilege of



pre-arrest bail to him and accordingly, his such prayer stands rejected in connection with R. K. Nagar P.S. Case No. 109 of 2015 pending in the court of learned Judicial Magistrate, 1st Class, Patna.

(Jitendra Mohan Sharma, J)

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