

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27693 of 2016

Arising Out of PS.Case No. -94 Year- 2011 Thana -PHENHARA
District- EAST CHAMPARAN(MOTIHARI)

=====

Bharat Bhushan Rai, S/o Ramdeo Prasad Yadav, Resident of Village-
Mohaddipur, P.S.- Chiraiya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 28-10-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Phenhara P.S. Case No.94 of 2011 for
allegedly having committed the offence under Sections 302 and
201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case only
on account of the fact that there was previous enmity between
the parties and that his name has surfaced only on the
confessional statement made before the police by one co-
accused, which has no evidentiary value.

Diary in the present case was called for, which has

since been received.

Learned counsel for the State after perusal of the case diary submits that there is sufficient material in the case diary, including the statements made in paragraphs 29, 30, and 33 of the case diary by Pramila Devi, wife of the deceased, indicating that this petitioner along with others had taken away the deceased on Dushera day and thereafter his body was found.

In view of the fact that the petitioner has got a definite criminal antecedent, in which he has been convicted and also because the name of the petitioner has surfaced even before the confessional statement made before the police, I am not inclined to grant anticipatory bail to the petitioner. It is, thus, dismissed.

(Anjana Mishra, J)

PNM

U		T	
---	--	---	--