

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12464 of 2016

Arising Out of PS.Case No. -511 Year- 2015 Thana -MARHAURA District- SARAN

1. Lalu Thakur Son of Shivji Thakur resident of village - Nethuan, Police Station - Marhowrah, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikramaditya Singh, advocate
Mr. Raghwendra Kumar, advocate
For the Complainant/Informant : Mr.Prashant Sinha, Advocate
For the State : Mr.Anuj Kumar Sinha, (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-05-2016 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Marhowrah (Gaura O.P.) P. S. Case No. 511 of 2015 registered for offence punishable under Sections 302, 120(B)/34 of the I.P.C. and 27 of Arms Act.

Case diary in the present case which was called for has since been received.

The allegation against the petitioner is that when the informant was returning home from the field, three persons came on a motorcycle and shot his brother Birendra Singh due to which ultimately he died.

Learned counsel for the petitioner submits that admittedly, the informant is not an eye witness to the occurrence

as such the petitioner may be extended the privilege of anticipatory bail.

Learned counsel appearing on behalf of the informant however, opposes the present application stating that the petitioner has got criminal antecedent and it is he along with other persons, who had conspired and cause of the murder of the deceased, preferring in paragraphs -31 and 39 of the case diary.

Learned counsel for the informant submits that the petitioner is facing prosecution in several cases of the similar case. He further submits that story by the informant stands corroborated with the statement of the wife of the deceased, who was present at place of occurrence after hearing about the incident and thereafter he had gone out in an injured condition and subsequently he had died.

Learned counsel for the State has submitted that the implication of the petitioner has been supported by other accused persons and there is material in the case diary to implicate him.

In view of the facts and circumstances of the facts that the petitioner has criminal antecedent, I am not inclined to grant anticipatory bail to this petitioner.

This application is, accordingly, rejected.

(Anjana Mishra, J)

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