

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31427 of 2016

Arising Out of PS.Case No. -748 Year- 2015 Thana -NAWADA District- NAWADA

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1. Karu Mahto son of Latan Mahto, resident of Village Pachohiya, P.S. Town Nawada (O.P. Kadirganj) District Nawada Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Manisha Prakash, Advocate

For the Opposite Party/s : Mr. Sri Manoj Kumar – 1APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 15-09-2016

Heard both sides.

The petitioner apprehends his arrest in Nawada Nagar (Kadirganj) P.S. case No.748 of 2015 under Section 307, 385 and other Sections of the Indian Penal Code.

The informant, Incharge Headmaster of Upgraded Middle School, Pachohiya, alleged that while he was going to attend the meeting of B.R.C. Adeshwar Prasad @ Awadhesh Mukhiya demanded Rs. 10,000/- as expenses of Dushahera but when the informant refused, the petitioner, Karu Mahto, and Upendra Sharma are alleged to have caught the informant and Adeshwar Prasad @ Awadhesh Mukhiya assaulted the informant with butt of pistol on different parts of his body.

The learned counsel for the petitioner submits that there is no allegation of demand of extortion against the petitioner. The petitioner is simply alleged to have caught the informant. Adeshwar Prasad @ Awadhesh Mukhiya, who is alleged to have

assaulted the informant, causing different injuries on his person, has already been granted regular bail and the case of petitioner stands on better footing.

It appears that the petitioner is also one of the accomplices of Adeshwar Prasad @ Awadhesh Mukhiya. The petitioner caught the informant thereafter Adeshwar Prasad @ Awadhesh Mukhiya assaulted the informant with butt of pistol only because he did not give Rs. 10,000/- to the accused persons.

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

If the petitioner surrenders in the court below, i.e., learned Chief Judicial Magistrate, Nawada in Nawada Nagar (Kadirganj) P.S. case No. 748 of 2015, within a period of four weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that Adeshwar Prasad @ Awadhesh Mukhiya, who is alleged to have assaulted the informant with butt of pistol, has already been enlarged on bail and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

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