

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48733 of 2015

Arising Out of PS.Case No. -381 Year- 2015 Thana -KANTI District- MUZAFFARPUR

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1. Alok Kumar @ Alok Kumar Jha S/o Sri Indrajeet Jha, R/o Vill.-
Dhamauli Ramnath Purvi Tola, Chandrabhan, P.s.- Kanti, District-
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For Informant : Mr. A. Kumar

For the Opposite Party/s : Mr. Nityanand Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-02-2016

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 Kanti P.S. Case No. 381 of 2015 for the offences instituted under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner along with other co-accused was catching hold the brother of the informant and when the informant and one Arun Srivastava reached there, they saw that co-accused Tinku, putting pistol in the temple of his brother, Murari fired which caused his instantaneous death whereas, Rajesh Jha who was also with the deceased, became fainted and when on alarm being raised, nearby people assembled there, then the miscreants after seeing them, fled away by firing in the air and threatening. The further allegation is that previously also six months ago, miscreants had targeted his (informant's)

brother.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. As per the prosecution, petitioner is said to have caught hold of the deceased, when the alleged occurrence had taken place. No injury has been attributed to the petitioner. With a similar allegation, other co-accused have already been granted bail by the court below. There is admitted enmity between the petitioner and the informant, which is evident from annexure-2.

On behalf of the State and the counsel for the informant, it has been submitted that the petitioner is named in the First Information Report and has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

Anyhow, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order, taking into account that other co-accused, with a similar allegation have been granted bail by the court below.

(Sudhir Singh, J)

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