

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47631 of 2016

Arising Out of PS.Case No. -371 Year- 2016 Thana -PHULWARI District- PATNA

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Manoj Kumar son of Udit Rai, resident of village- Pasahi Faridpur, P.S.
Janipur, District- Patna

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav

For the Opposite Party/s : Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-12-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Phulwarisharif P.S. Case No. 371 of 2016 for the offence instituted under Sections 302, 34, 120B of the Indian Penal Code and Section 27 of the Arms Act.

There is allegation that the informant's father has been shot dead by some persons and while taking into hospital, he succumbed to the injury.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been named in the F.I.R. merely on



the basis of suspicion. Subsequently, in course of investigation, in para-11 of the case diary, the driver of the deceased was examined. He claims to be the eyewitness to the alleged occurrence. The said witness had carried the deceased to the hospital. On way to the hospital, the deceased suspected the hand of this petitioner. Except for suspicion, there is no other substantive evidence to suggest his implication in the present case.

On behalf of the State and the counsel for the informant, it has been submitted that the petitioner is one of the assailants of the deceased. The same is evident from para-229 of the case diary, where the nephew of the deceased has been examined by the police. It has been stated by the said witness that he was present at the time of occurrence. He had seen the petitioner firing upon the deceased. Later on, when he went to the deceased, the deceased disclosed that he has been shot by the petitioner. It is further submitted that the regular bail application of other co-accused, who is not named in the F.I.R. has already been allowed vide Cr. Misc. No. 45241 of 2016.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail of petitioner is rejected in



connection with Phulwarisharif P.S. Case No. 371 of 2016,
pending in the court of Smt. Shema Eram, Judicial Magistrate, 1st
Class, Patna.

Anyhow if the petitioner surrenders in the court below
within a period of six weeks from today, the same shall be
considered on its own merit without being prejudiced by this
order.

(Sudhir Singh, J.)

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