

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57799 of 2015

Arising Out of PS.Case No. -608 Year- 2015 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Deepak Kumar son of Radhey Shyam Mahto, Resident of New Area,
Sikandarpur, P.S.- Town, District- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pravin Kumar, Advocate
For the Opposite Party : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Muzaffarpur Town P.S. Case No. 608 of 2015 pending in the
Court of CJM, Muzaffarpur for the offences instituted under
Sections 302 and 120B of the Indian Penal Code and Section 27
of the Arms Act.

As per the prosecution case, it is a case of murder of
informant's brother by the accused persons due to earlier enmity
between the parties.

It has been submitted on behalf of the petitioner that the
petitioner has falsely been implicated in the present case. The
main allegation is against Suraj Kumar and Dinanath Mahto. As

far as the petitioner is concerned, no specific injury has been attributed nor any specific overt-act has been alleged against him. General and omnibus allegation has been made. It is a case and a counter case between the parties. The alleged occurrence is said to have taken place at 11 P.M. on 12.08.2015 but the case was instituted on 13.08.2015 at 10.30 A.M. as to when the police station was hardly two kilometers from the place of occurrence.

On behalf of the State, it has been submitted that the petitioner is named in the FIR 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.

(Sudhir Singh, J)

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