

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25120 of 2016

Arising Out of PS.Case No. -149 Year- 2015 Thana -SARAI District- VAISHALI(HAJIPUR)

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1. Mukesh Ram son of Ram Balak Ram Resident of village - Shambhopur
(Telia Sarai), P.S. Sarai, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Opposite Party/s : Mr. M.K. Nirala (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 31-08-2016 Heard both sides.

The petitioner apprehends his arrest in Sarai P.S. case
No. 149 of 2015 under Section 302/34 of the Indian Penal Code.

The informant named seven persons, including the
petitioner, and alleged that they all took his son to have some talk
but his son did not return. When the informant enquired the
petitioner and others disclosed that there was some work and his
son would return in the morning. On the next day dead body of the
son of informant was found on the railway track.

It is submitted that there is no eye witness of the
occurrence. The post mortem report shows that the deceased died
due to train accident.

It appears that there is very specific allegation against

the petitioner and others that they took the son of informant and on the next day dead body of son of informant was found on railway track.

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., the learned Additional Chief Judicial Magistrate-II, Vaishali at Hajipur in Sarai P.S. case No. 149 of 2015, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner taking into account that similarly situated accused have already been granted regular bail.

(Prabhat Kumar Jha, J)

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