

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4131 of 2016

Arising Out of PS.Case No. -258 Year- 2015 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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1. Kamal Mahto S/o Late Anandi Mahto, Resident of Village - Adharpur,
P.S. - Samastipur (M), District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 26-02-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner is very much named in the first information report with accusation that he along with one other accused took the deceased from his house and after that, the informant heard the sound of firing and when reached near the place of occurrence, he saw the petitioner and other accused, coming out from his shop having pistols in their hands. Furthermore, it is alleged that petitioner had taken some loan from the deceased and he as well as other accused, took the deceased on the pretext of settling the account.

Learned counsel, appearing for petitioner submits that only one fire-arm injury was found on the person of the deceased

and as a matter of fact, the uncle of the petitioner had lodged a case against the prosecution party and that is the reason of false implication of the petitioner.

On the other hand, learned counsel, appearing for the informant points out that having more or less similar allegation, the prayer for bail of one co-accused namely, Narendra Jha has already been rejected by a coordinate bench of this court vide order dated 30-01-2016 passed in Cr. Misc. No. 52392 of 2015.

Taking note of the aforesaid facts and circumstances as well as submission of the parties, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Muffasil P.S. Case No. 258 of 2015 pending in the court of learned Sub Divisional Judicial Magistrate, Samastipur stands rejected.

(Hemant Kumar Srivastava, J)

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