

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39100 of 2016

Arising Out of PS.Case No. -82 Year- 2015 Thana -ARIARI District- SEKHPURA

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1. Subhash Mahto S/o Brahmdeo Mahto R/V Mankaul, PS Ariari, Distt Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Smt. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 21-10-2016 Heard both sides.

The petitioner apprehends his arrest in Ariari P.S. case No.82 of 2015 under Section 302/201 of the Indian Penal Code.

The father of the deceased simply alleged in the FIR that earlier his son, Vicky Kumar, was studying in Sasrswati Vidya Mandir but he got his admission in another school. Ajay Kumar, a teacher of that school, rang the informant on his mobile and enquired about the Vicky Kumar. His son left the house in the evening but he did not return.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. No material has been collected during the course of investigation to show the involvement of the

petitioner. It has come during the course of investigation that petitioner was found talking with Dhiraj Kumar on his mobile. Dhiraj Kumar is brother-in-law of the petitioner and except that there appears no material but from perusal of the case diary it appears that the deceased was found going along with Dhiraj Kumar and Gaurav Kumar. Gaurav Kumar was apprehended and his mobile was also seized. The petitioner was found along with the accused persons in the vicinity from where the dead body of the deceased was recovered. The case is of very heinous nature in which a student was killed in pursuance of a well made conspiracy and the petitioner is also said to have played a role.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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