

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17353 of 2016

Arising Out of PS.Case No. -214 Year- 2015 Thana -KORHA District- KATIHAR

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Naresh Mahto, S/o Late Ganeshi Mahto, R/o Village Madhora, P.S. Korha,
District Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Ashok Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 06-05-2016 Heard Mr. Sharda Nand Mishra, the counsel for the

petitioner and Mr. Ashok Kumar, APP for the State.

The petitioner herein seeks anticipatory bail in Korha
P.S. Case No. 214 of 2015, registered under Section 399, 402,
395, 307/34 of the Indian Penal Code as well as 25(1-B)a/26/35
of the Arms Act.

On the relevant date, the informant was going to his
house by motorcycle and was intercepted by few accused
persons. They looted his mobile and a sum of Rs. 3,070/- from
his possession, but in the meantime, on hulla, people of the
locality arrived at the place of occurrence. The informant
claimed identification of some accused persons. On clue the
informant went to the village of the petitioner. Some accused
persons were found assembled at the house. When an attempt

was made by the informant to go inside the house an obstruction was offered by the petitioner and others and the informant saw that the accused persons who were inside the house of the petitioner started fleeing away, in course whereof, bombs were hurled and gun shots were fired which caused injuries. The three motorcycles some of which containing explosives are found at the house of the petitioner which were seized.

Contention of the petitioner is that no arms or ammunitions were seized from the possession of the petitioner. The petitioner has no criminal antecedent. It is not specifically alleged that any injury was caused to any injured at the instance of the petitioner.

Learned APP opposed the prayer and contended that motorcycle with explosives were recovered from near the house of the petitioner who was identified as one of the accuseds who committed loot of the belongings of the informant. In course of investigation, witnesses have supported the prosecution case.

Considering the facts of the case, I am not persuaded to extend the privilege of anticipatory bail. The prayer is rejected.

(Kishore Kumar Mandal, J)

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