

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42692 of 2017

Arising Out of PS.Case No. -104 Year- 2017 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. Manoj Mahto @ Manoj Kumar Mahto S/o Mohan Mahto Resident of
Village- Suleman Chhapra, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Sri Ataur Rahman

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 09-11-2017 Heard both sides.

The petitioner apprehends his arrest in Sahebganj
P.S. case No. 104 of 2017 for the offences punishable under
Section 302, 379/34 of the Indian Penal Code.

The informant alleged that while his nephew was
returning to his house, after closing the Basudha Kendra, Ankur
Choubey, Sheo Kumar Pandit, Rahul Singh and Manoj Mahto, the
petitioner, surrounded him and indiscriminately assaulted him
with knife. Dilip Kumar came there to save but the accused
persons started fleeing away.

The learned counsel for the petitioner submits that
from perusal of the FIR itself it appears that informant is not an
eye witness of the occurrence. The police did not take the



statement of Dilip Kumar in the entire case diary. There is no specific allegation of assault against the petitioner but from perusal of the case diary it appears that informant himself stated that he saw all the four persons fleeing away from the place of occurrence in the light of cell. There is allegation that all the four persons stabbed Pramod Kumar. Pramod Kumar got as many as five stab injuries all over his body and the witnesses have also supported the version of informant.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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