

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47564 of 2016

Arising Out of PS.Case No. -211 Year- 2015 Thana -LAUKHI District- MADHUBANI

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Mahendra Sahu @ Mahendra Sah S/o Panak Sahu Resident of Village-
Jhahuri P.S. Laukahi District- Madhubani. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Laukahi P.S. Case No. 211 of 2015 registered for the offences
punishable under Sections 302, 120B of the Indian Penal Code.

Allegedly, Shiv Jee Roy @ Shiv Kumar Roy, the nephew
of the informant who was married to the daughter of the petitioner
one and half years ago, had gone to his in-laws house for vidagari
of his wife where, after hatching up criminal conspiracy, he was
killed by the petitioner and other in-laws in collusion and
conspiracy with Siya Ram Rai Police Officer of the Police
Station.

Submission is of false implication and that in the FIR the
main allegation is against Siya Ram Rai. During investigation
nothing specific has come, all the allegations are general and



omnibus in nature, in paragraph 7 only it has come that the petitioner under conspiracy got killed the deceased. During post mortem the death was found due to asphyxia as a result of strangulation vide paragraph 29 of the case diary.

Learned APP opposes the prayer of bail by submitting that the nephew of the informant was killed by strangulation and some injuries have also been found during post mortem.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner this Court is not inclined to enlarge the petitioner on pre-arrest bail, accordingly, his such prayer stands rejected.

However, in case and if so advised, the petitioner surrenders and seeks regular bail before the court below, then his prayer for bail shall be considered in view of the fact that other co-accused have been allowed regular bail by the court below itself, without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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