

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30108 of 2017

Arising Out of PS.Case No. -278 Year- 2016 Thana -BARGANIA District- SITAMARHI

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1. Dhanilal Mahto, S/o Prikshan Mahto, resident of Village- Parsauni,
P.S.- Bairgania, Dist.- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar

For the Opposite Party/s : Mr. Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 21-08-2017 Heard both sides.

The petitioner apprehends his arrest in Bairgania P.S.
Case No. 278 of 2016 registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code.

The informant wife of the deceased alleged that
Prabhu Mahto asked her husband to do work but her husband
disclosed that he was doing work in another village on such
Prabhu Mahto and others including the petitioner assaulted
Nandlal Mahto, the husband of the informant. When the informant
went to save her husband, she was also assaulted. The husband of
the informant died during course of treatment.

Learned counsel for the petitioner submits that there
is a counter version being Bairgania P.S. Case No. 277 of 2016



against Upendra Mahto and others. The deceased Nandlal Mahto is also one of the accused. No specific allegation of assault is made against the petitioner.

Learned APP opposed the prayer for anticipatory bail and submitted that the petitioner has already been declared absconder as process under Sections 82 and 83 of the Code of Criminal Procedure have already been issued.

Considering the facts aforesaid and the fact that the wife of the deceased made specific allegation that the petitioner and others assaulted Nandlal Mahto, husband of the informant who consequently died, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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