

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43417 of 2017

Arising Out of PS.Case No. -153 Year- 2016 Thana -KASIMBAZAR District- MUNGER

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1. Bittu Tanti Son of Pradeep Tanti Resident of village- Maksapur,P.S.-
Kasim Bazar, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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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 Kasim Bazar P.S. case No. 153 of 2016 for the offences punishable under Section 302/34, 120(B) of the Indian Penal Code and under Section 27 of the Arms Act.

The mother of the deceased alleged that her son, Suraj Sah, and his three friends, Ashish, Manjit and Hemant along with informant went to a restaurant situated near Vijay Talkies and placed order for lunch but, in the meantime, Shambhu Yadav and 14 others, including the petitioner, Bittu Tanti, came and made indiscriminate firing. Her son flee away towards Vijay Talkies in order to save his life but the accused persons made indiscriminate firing and killed him on the spot.



The learned counsel for the petitioner submits that during the course of investigation, Ashish, Hemant and Manjit, who had accompanied the deceased to the restaurant, were also made accused. No specific allegation is made against the petitioner. The deceased himself was a veteran criminal and as many as 30 criminal cases were pending against him but it appears from perusal of the FIR and case diary that the mother of deceased is an eye witness of the occurrence. She vividly stated about the entire occurrence and alleged that petitioner and others made indiscriminate firing on her son and killed him on the spot. From the seizure list, it appears that more than 24 empty cartridges were recovered from the place of occurrence and this fact itself shows that petitioner and others made indiscriminate firing and killed the deceased on the spot.

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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