

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50316 of 2018

Arising Out of PS.Case No. -14 Year- 2017 Thana -PAROO District- MUZAFFARPUR

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1. Subhash Prasad @ Subhash Prasad Mahto @ Subhash Kumar Son of Shri Shambhu Mahto, Resident of Village- Baradaud, Police Station- Paroo, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar. null null

... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. AJIT Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-08-2018

Heard the parties.

The petitioner seeks anticipatory bail in connection with Paroo P.S. Case No. 14 of 2017, registered for offences punishable under Sections 302/34/120 (B) of the Indian Penal Code and Section 27 of Arms Act.

As per F.I.R., allegation against the petitioner is of killing the brother of the informant, causing death.

Submission of the learned counsel for the petitioner is that the petitioner has falsely been implicated in this case due to land dispute and the petitioner is not named in the F.I.R. It is further submitted that the name of the petitioner transpired on the basis of confessional statement of Vinod Kumar and Raju @ Avinash Kumar and he has been granted bail vide order dated 07.11.2017 passed in Cr. Misc. No. 42241 of 2017 and during



investigation, it transpires that the petitioner was driving the motorcycle and other co-accused, Raju Singh had fired on the deceased.

Learned A.P.P. opposes the prayer for bail.

In view of allegation against the petitioner, above named, I am not inclined to grant bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrenders before the Court below and makes prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

Sudha/-

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