

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13995 of 2017

Arising Out of PS. Case No.-465 Year-2011 Thana- AHIAPUR District- Muzaffarpur

Santosh Mahto, S/o Raghubir Mahto, Resident of Village- Chandwara Soda
Godam, P.S. Town Muzaffarpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Thakur, Advocate
For the Opposite Party/s : Smt . Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 19-09-2018

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends arrest in Ahiyapur P.S. Case
No. 465 of 2011 instituted under Sections 302/34 of the Indian
Penal Code and 27 of the Arms Act.

3. This is the second attempt of the petitioner seeking
anticipatory bail as earlier such prayer was rejected by order
dated 31.07.2013 in Cr. Misc. No. 21577 of 2013.

4. Learned counsel for the petitioner submitted that
during trial two witnesses have turned hostile and thus, it is
obvious that the petitioner was falsely implicated without any
role in the crime.

5. Learned A.P.P. submitted that nothing new has been
brought before the Court to merit reconsideration after the last



order of rejection except for the evidence of two witnesses in another trial.

6. Having considered the matter, the Court finds that after the initial rejection of the prayer of anticipatory bail on 31.07.2013, till date the petitioner has been avoiding to co-operate in the trial and thus, other co-accused are facing trial and the petitioner, because of his non-appearance, is not facing trial. Thus, the conduct of the petitioner coupled with the fact that the submissions made before this Court can be very well canvassed before the court below, but only upon the petitioner submitting himself before the law and co-operating in the judicial process.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

sujit/-

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Transmission Date	

