

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28686 of 2018

Arising Out of PS. Case No.-1718 Year-2012 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Sk. Mubarak S/o Late Sk. Samsul, R/o Village- Mahuawa, Vishunpurwa, P.S.-
Shikarpur, District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Mosmat Rita Devi W/o Late Bindeshwari Yadav, R/o Vill.- Mahuawa
Bishunpurwa, P.S.- Shikarpur, Distt.- West Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 12-09-2018 Heard learned counsel for the petitioner and

learned counsel for the State.

In this case, the petitioner is seeking anticipatory
bail in connection with Sessions Trial No.23 of 2018, arising out
of Protest-cum-Complaint Case No.1718C/2012, registered for
the offence under Sections 302 and 201/34 of the Indian Penal
Code.

In this case, first the Police has inspected and
submitted the Final Form, recorded mistake of fact. Whereafter,
the complainant has filed Protest-cum- Complaint case and then
the Court below has taken cognizance.

Learned counsel for the petitioner submits that save



and except the name of the petitioner mentioned in the F.I.R. there is nothing on the record to attribute the allegation against the petitioner. He further submits that no motive has been attributed for involvement of the petitioner in such a heinous crime.

This Court has perused the case diary. The manner in which the Police has investigated the case does not inspire any confidence. Further, this Court has rejected the bail of seven co-accused persons in Criminal Miscellaneous No.6089 of 2018.

Considering the aforesaid facts, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected. However, if the petitioner surrenders before the Court below within four weeks from today and makes prayer for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

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