

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61993 of 2018

Arising Out of PS. Case No.-205 Year-2018 Thana- BARH District- Patna

Arvind Mahto @ Bhagat Jee @ Guhan, Son of Rajeshwar Mahto @ Rajo Mahto, Resident of Village- Jalgovind, P.S.- Barh, District- Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. J.N. Thakur

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-12-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the IPC and Section 27 of the Arms Act.

The prosecution case is that the informant is the brother-in-law of the deceased Birendra Kumar Vidyarthi alias Netaji. On 23.6.2018 at 9.30 AM, the informant along with the deceased went to the site of state boring situated at village Dahour and saw that the boring work was being supervised by the nephew of the deceased. In the meantime, at 10.15 A.M., six persons including the petitioner came on motorcycle and the petitioner demanded extortion money which was denied by the informant and the deceased, whereupon the petitioner shot at the deceased, as a result, he succumbed to the injuries.



It is submitted by learned counsel for the petitioner that independent witnesses, whose statements have been recorded during investigation under Section 161 Cr.P.C. in paragraph 321 and 322 of the case diary, did not support the accusation.

It is submitted by learned APP after going through the case diary that petitioner is the main assailant of the deceased and he is accused in several cases.

Considering the nature of accusation and criminal antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner in connection with Barh P.S. Case No. 205 of 2018 pending in the Court of the learned ACJM I, Barh.

This application is, accordingly, dismissed.

(Dinesh Kumar Singh, J)

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