

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10169 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- AURAI District- Muzaffarpur

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ROHIT KUMAR SON OF BECHAN MAHTO R/O VILLAGE-
DHARNARWA (WARD NO.07, RAM BAGH), P.S.- AURAI, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur

For the Opposite Party/s: Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-07-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Aurai P.S. Case No.60 of 2022, registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of Arms Act.

The allegation against the petitioner is that the petitioner along with other co-accused persons murdered the son of the informant and threw his dead body near Dharharwa PACS Bhawan.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation lev-



elled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. Petitioner has been made accused in the present case merely on the basis of suspicion. There is no eye-witness in the present case. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is ample of evidence available against the petitioner in the case diary.

Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law, considering that the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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