

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16010 of 2014

Arising Out of PS.Case No. -529 Year- 2013 Thana -KANKARBAGH District- PATNA

1. Sanjay Kumar Son Of Late Lal Bihari Singh Resident Of Mohalla-Malahi Pakari, Near Community Hall, P.O.-Lohiya Nagar, P.S.-Kankarbagh, District-Patna.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.26736 of 2014

Arising Out of PS.Case No. -529 Year- 2013 Thana -KANKARBAGH District- PATNA

1. Shyam Sudari Devi wife of Late Lal Bihari Singh resident of Kankarbagh, Malahi Pakari, Near Samudaik Bhawan, P.S. Kankarbagh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.16010 of 2014)

For the Petitioner/s : Mr. Rana Pratap Singh, Senior Advocate, Mr. Sarvesh Kumar Singh and Mr. Ravi Kumar, Advocates.

For the S t a t e : Mr. Dr. Indihar Kumari(App)

For the informant : Mr. Alamdar Hussain, Senior Advocate and Mr. Sanjeet Deokuliar, Advocate.

(In Cr.Misc. No.26736 of 2014)

For the Petitioner/s : Mr. Arshad Jameel Hashmi and Mr. Kamal Kishore Singh, Advocates.

For the State : Mr. Ram Naresh Roy (App)

For the informant : Mr. Sanjeet Deokuliar.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

54 23-12-2014

Heard learned counsel for the petitioners, learned

A.P.P. representing the State and learned counsel for the

informant.

The petitioners are in custody since 6.1.2014 and 29.4.2014 respectively in connection with Kankarbagh PS Case No. 529 of 2013 registered for the offence under sections 302/34 of the Penal Code and section 27 of the Arms Act.

It has been submitted by learned Senior counsel appearing on behalf of the petitioners that they are innocent and have falsely been implicated in the present case. Initially the informant in her F.I.R. has stated that she suspects that her own brother Sudhir Kumar along with his son Sonu Kumar who were living in a rented house at Ram Krishna Nagar had been responsible for the death of their father as these two persons had been consistently demanding money from her father and had been pressurizing him to transfer lands in their favour.

Learned counsel for the petitioners submitted that it was only during the course of investigation that the name of these petitioners surfaced on the basis of certain noting made in the diary of the deceased Lal Bihari Singh wherein it was allegedly stated that petitioner Sanjay Kumar along with his mother petitioner Shyam Sundari Devi have been consistently terrorizing him and that he feared threat to life. Learned counsel submits that thereafter, these petitioners were drawn in the

category of accused persons and were taken into custody. Diary in the present case has also been received.

Learned counsel for the informant has also appeared and strenuously urged that it is out and out a case where the petitioners ought not to be granted the privilege of bail as they have been continuously threatening the deceased Lal Bihari Singh and he had been virtually living a life of fear and had made such entry in his diary from the year 2005 itself. Learned counsel for the informant has drawn my attention to certain paragraphs of the case diary, particularly paragraphs 27 and 37 in which the investigating agency has noted that the deceased Lal Bihari Singh was being terrorized by Shyam Sundri Devi, and also her son petitioner Sanjay Kumar. The name of one Dinesh Kumar Gupta has also been taken stating that the petitioners along with Dinesh Kumar Gupta had come to the house of the deceased and had threatened him that if he does not withdraw the legal notice sent to them for returning over Rs. 7 lakhs, the deceased would meet with dire consequences.

Learned A.P.P. has drawn my attention to paragraph 37 of the case diary in which it has been stated that the I.O. had also taken the statement of one Siyawar Singh who is the cousin brother of the deceased who had also stated that the

deceased was living under threat of the present two petitioners. In paragraph 97 of the case diary the Deputy Superintendent of Police has stated that the informant had subsequently stated that it was only on the pressure of these two petitioners that she had taken the name of her brother and Sanjay Kumar and his mother Shyam Sundri Devi had also been putting pressure on her to make such statement against her brother instead of these two accused persons.

Learned counsel for the petitioners has placed before me an order passed by this court in Criminal Misc. No. 15529/2014 dated 2.6.2014 in the case of Dinesh Kumar Gupta vs. State of Bihar. In the said case Dinesh Kumar Gupta was also said to have been putting pressure on the deceased with regard to withdrawal of the legal notice which the deceased had sent through lawyer for return of the money advanced to petitioner Sanjay Kumar and Dinesh Kumar Gupta. However, in the present case apart from the noting in the diary there are also several other materials on record including the statements of other independent witnesses which go to reveal that the petitioner Sanjay Kumar and her mother petitioner Shyam Sundari Devi had been putting pressure on the deceased causing threat to his life and the deceased was living a life of fear and terror at their hands.

Considering the materials on record and the case diary and also the fact that the petitioners have had consistent role of terrorising the deceased and after which the deceased was found murdered. I am not inclined to grant bail the two petitioners and as such their prayer is rejected.

(Anjana Mishra, J)

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