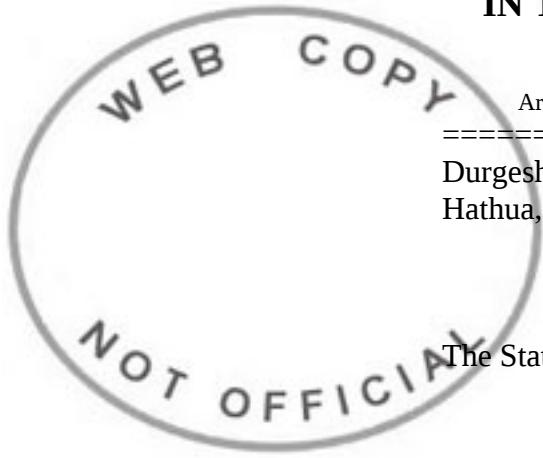




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3958 of 2015

Arising Out of PS.Case No. -37 Year- 2014 Thana -HATHUA District- GOPALGANJ

=====

Durgeshwar Tiwary S/o Ramchandra Tiwari, R/o Village- Repura, P.S.-
Hathua, District- Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Ashok Kumar Singh-1(App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-05-2015 Petitioner is apprehending his arrest in connection with

Hathua P.S.Case No. 37/2014 instituted under Sections 364, 302,

201 and 34 of the Indian Penal Code, pending in the court of Shri

R.K.Dwivedi, learned Judicial Magistrate, Gopalganj.

Heard learned counsel for the petitioner and the State.

In short, the prosecution is that on the alleged date and

time of the occurrence the daughter of the informant, namely,

Rita Kumari, aged about 16 years was found missing from the

house. The informant made search but no trace was found. On

11.5.2014 at 3 P.M the informant came to know from the mouth

of Charwahas that a dead body was found in the well. Thereafter

the dead body was identified as the daughter of the informant.



The informant has believe that the petitioner and other co accused persons named in the FIR kidnapped the daughter of the informant and committed her murder and thereafter to destroy the evidence hidden the dead body in a well as the accused persons had given threatening of dire consequence to the informant and his family members prior to one month of the alleged occurrence.

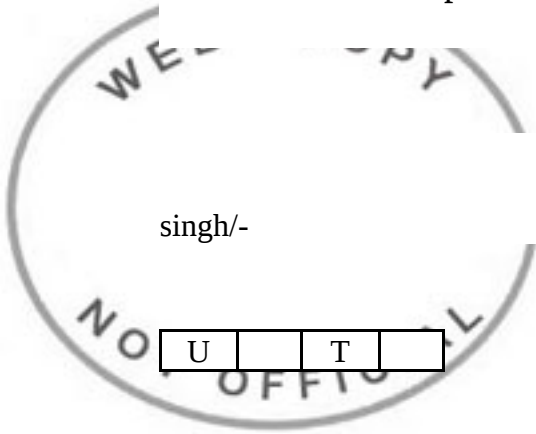
It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. Further it has been submitted that the petitioner has no criminal antecedent. It is also submitted that merely on suspicion, the petitioner has been implicated in the present case

On behalf of the State it has been submitted that it is a case under Section 302 of the Indian Penal Code and the petitioner is named in the FIR.

Considering the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders in the court below within a period of six weeks and seek regular bail, the same shall be considered on its own merit without being prejudiced by this order of rejection, preferably on the same day. Further the court

below may consider the submission made on behalf of the petitioner.



(Sudhir Singh, J)