

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37165 of 2014

Arising Out of PS.Case No. -126 Year- 2014 Thana -SAHKUND District- BHAGALPUR

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Sita Ram Thakur son of Anarasi Thakur, R/O. village- Jamin Dariyapur,
Boregaon, P.S. Sajour (Shahkund), District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3. 24-03-2015. Heard both sides.

The petitioner apprehends his arrest in a case under section 302 and other sections of the I.P.C.

Geeta Devi, the informant and wife of the petitioner, alleged that Niranjana Thakur came to her house and asked her that why she did not offer feast to Gotias on the occasion of the marriage of Upendra Thakur. When Prakash, the husband of the informant objected, Niranjana Thakur is said to have thrown him on the ground and pelted bricks which hit below the eye of the mother of the informant. On the same day in the night, the accused persons including the petitioner called Prakash Jha for Panchayati and it is alleged that all the accused persons assaulted him and locked him inside a room but Prakash came out from the room through the ventilators and rushed to the hospital but he died on the next day i.e. on 31.7.2014.

Learned counsel for the petitioner submits that the petitioner is, of course, named in the first information report but no specific allegation is made against him. The petitioner happens

to be an agnate of the deceased Prakash. The petitioner is a government employee. The occurrence took place on 30.7.2014. Prakash died on 31.7.2014 but the F.I.R was lodged on 1.8.2014. There is delay in lodging the F.I.R. It is also submitted that the informant is not an eye witness of the occurrence.

On the other hand, learned APP has opposed the prayer for bail and submitted that in course of investigation, almost all the witnesses have supported the case of the prosecution. The deceased got four injuries. His ridge was found fractured and on account of laceration of the informant's lungs, he died.

Considering the facts and the fact that the petitioner and others had called Prakash for Panchayati and thereafter all of them assaulted Prakash, who got injuries although there is delay in lodging the case but this fact itself does not makes the statements of the witnesses unreliable, I am not inclined to enlarge the petitioner on anticipatory bail and accordingly, the same is rejected.

The petitioner is directed to surrender in the court below within four weeks from the date of receipt or production of a copy of this order and the court below shall consider the prayer for bail of the petitioner without being prejudiced from the order of this court and taking into consideration that similarly situated co-accused Chhabbu Thakur, Manju Devi and others have already been granted regular bail, preferably on the same day.

(Prabhat Kumar Jha, J)

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