

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38910 of 2014

Arising Out of PS.Case No. -84 Year- 2014 Thana -KATIHAR MUFFASIL District- KATIHAR

1. Amar Kr. Shukla @ Amar Shukla @ Guddu Shukla S/o Prakash Chandra Shukla Resident of Bhairiya Rehika, Sirsa, Near Katihar Medical College, P.S. Katihar, District Katihar.
2. Nagendra Choubey S/o Haribansh Choubey Resident of Sipahi Tola, Dollar Chowk, Gali No. 4, Madhubani, P.S. Purnea, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.40403 of 2014

Arising Out of PS.Case No. -84 Year- 2014 Thana -KATIHAR MUFFASIL District- KATIHAR

Chandan Mandal, S/o Sri Narendra Kumar, resident of mohalla- Navneet Nagar, Tola- Baigna, P.S.- Sadar, District- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.38910 of 2014 &
In Cr.Misc. No.40403 of 2014)

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Adv. and Mr. Arun Kumar Mandal, Advocate
For the State	:	Mr. Nityanand Tiwary(App)
For the Informant	:	Mr. Tej Pratap Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 15-04-2015 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners in Cr. Misc. No. 38910 of 2014 and
Cr. Misc. No. 40403 of 2014 apprehend their arrest in Muffasil
P.S. Case No. 84 of 2014, registered for the offences punishable
under Sections 302, 201, 101B/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
the First Information Report in the present case has been



lodged after much delay and the first instance of which the matter was reported before the police after a month of the alleged occurrence. Learned counsel for the petitioner further submits that these petitioners are no way connected with the occurrence and it is only on account of suspicion, the informant has lodged the present case. Learned counsel for the petitioners has also submitted that the present case was instituted only at the instance of some jealous co-villagers and the lady in question had not initiated the matter only because of the fact that she had no grievance against them at the first instance and for that reason also no post-mortem had been conducted over the body of her deceased husband. Learned counsel for the petitioners has also drawn my attention to Annexure-3 of the supplementary affidavit, wherein the lady was making an application before the B.D.O. has stated that her husband died due to natural death.

However, learned counsel for the informant has seriously opposed the application for grant of anticipatory bail for the reason that it has been stated that the informant had been restrained from filing the First Information Report on account of the fact that the accused persons had been threatening her as well as her children and it is only after interference by this Court in Cr.W.J.C. No. 419 of 2014 that the First Information Report with regard to the present case could be instituted on 02.08.2014. Learned counsel for the informant further submits that the body was surreptitiously cremated by

the accused persons and they had been in state of shock and had also been threatened by accused persons. As such she could not file the First Information Report with regard to the present case.

Case diary in the present case has also been called for on an earlier occasion. Learned counsel for the State has also perused the case diary and has drawn my attention towards paragraphs- 13, 14 and 15 of the case diary, in which all the family members have supported the case inasmuch as it has been stated that petitioner Chandan Mandal had called the informant's deceased husband for receiving payment from Amar Shukla and Nagendra Choubey with regard to supply of labour and it was only subsequent thereto that the informant's husband was found dead. Thereafter the accused persons called the informant and actively participated in preventing the post-mortem, threatened the informant and were also surreptitiously instrumental in removing the dead body and cremating her husband.

Considering the aforementioned facts and circumstances and the overwhelming material in the case diary, I am not inclined to grant anticipatory bail to the petitioners, it is accordingly rejected.

(Anjana Mishra, J)

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