

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39764 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -MANSURCHAK District- BEGUSARAI

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Anil Jha, Son of Ram Balak Jha, Resident of Village- Dih Tabhka, P.S.
Bibhutipur, District- Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rathore Vasundhara, Advocate.

For the Opposite Party/s : Mr. Mustaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-11-2015

Heard both sides.

The petitioner apprehends his arrest in a case under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not named in the F.I.R. The informant alleged that three unknown persons intercepted Amarjit Kumar @ Murari, the son of the owner of the brick-kiln, and killed him. It is submitted that during the course of investigation, three persons, namely, Ashok Singh, Ram Naresh Singh and Baidhnath Singh, the father of the deceased, made statements under Section 164 Cr.P.C. Ashok Singh and Ram Naresh Singh did not name the petitioner. Baidhnath Singh, the father of the deceased, although named the petitioner but stated that he was also found along with other accused persons sometime before the

occurrence. It is submitted that there is no allegation that the petitioner fired causing the death of Amarjit Kumar @ Murari. The witnesses have made specific allegations against the three persons who are said to have fired.

On the other hand, learned A.P.P. as well as learned counsel for the informant opposed the prayer for anticipatory bail and submitted that the petitioner was also with the other accused persons and no witnesses have stated that the petitioner was also found along with the accused persons. Prem Shankar Jha, one of the co-accused, confessed his guilt and disclosed that since they were not partners in the brick-kiln, therefore, he along with other family members including the petitioner killed Amarjit Kumar @ Murari.

Having considered the facts that the petitioner was also in the company of other accused persons immediately before the occurrence and also after the occurrence as disclosed by a witness in Para 70 of the case diary and one of the co-accused, namely, Prem Shankar Jha made inculpatory statement disclosing the name of the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail in Mansoorchak P.S. Case No. 02/2015. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender in the

court below and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner without being prejudiced by this order and taking into consideration that other accused persons have been enlarged on regular bail.

(Prabhat Kumar Jha, J)

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