

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.370 of 2015

Arising Out of PS.Case No. -108 Year- 2014 Thana -SINGHIYA District- SAMASTIPUR

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1. Hem Police Sahu Son of Sri Sukan Sahu Resident of Village-Kale P.S-
Hasanpur, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate &
Mr. Nitayanand, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-05-2015 The petitioner is apprehending his arrest in connection with Singhiya P.S.Case No. 108 of 2014 instituted under Sections 302/34, 120B of the Indian Penal Code, pending in the Court of learned Sub-Divisional Judicial Magistrate, Rosera

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the son of the informant namely Sunil Kumar Sahu without informing her gone some where and not returned back. On query on 21.07.2014 some body informed a dead body was found near Koluha Ghat. It is further alleged that some unknown persons committed murder after pressing his neck.

It has been submitted on behalf of the petitioner that the petitioner is not named in the First Information Report nor there is any motive that has been alleged against the

petitioner. In course of investigation, the material fact has come against the petitioner is that the petitioner was seen moving in company of the deceased. In respect to the same, it has been submitted on behalf of the petitioner that the petitioner and deceased being a close relation, it was very natural that were moving together and from the same, no adverse inference could be drawn. Further it has been pointed out that co-accused Rakesh kumar, in the case, in his confessional statement named this petitioner and the said co-accused has been granted regular bail by this Court.

On behalf of the State, it is submitted that in course of investigation number of witnesses has stated regarding deceased being seen for the last time with the petitioner.

Considering the aforesaid facts, I am not inclined to grant privilege of anticipatory bail to the petitioner. The payer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders in the court below within four weeks and pray for regular bail, the same shall be considered on its own merit without being prejudiced by this order of rejection. The court below may also consider the submissions made on behalf of the petitioner.

(Sudhir Singh, J)

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