

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43377 of 2014

Arising Out of PS.Case No. -189 Year- 2014 Thana -TAJPUR District- SAMASTIPUR

1. Anil Pandey Son of Ram Sakal Pandey
2. Kanhaiya Pandey Son of Anil Pandey
Resident of Village-Bandey, P.S.-Tajpur (Halai), District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.48043 of 2014

Arising Out of PS.Case No. -189 Year- 2014 Thana -TAJPUR District- SAMASTIPUR

Sudhir Singh @ Sudhir Kumar Singh Son of Arvind Singh Resident of
Village - Banbina Larua (Chaithaiya Tola), P.S. - Tajpur (Halai), District-
Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.43377 of 2014)

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Opposite Party/s : Mr. Yogendra Kumar (App)

(In Cr.Misc. No.48043 of 2014)

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. R.B.S.Pahepuri(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 10-04-2015 Heard learned counsel for the parties.

At the outset, learned counsel for the petitioners has submitted that the petitioner, namely, Anil Pandey, has already arrested and his prayer for anticipatory bail has now become infructuous.



The petitioners facing prosecution for offence under Section 302/34 of the Indian Penal Code have come out to say that whatever allegations have been made against them in the First Information Report would not amount to anything else save and except suspicion with regard to killing of the deceased. In this regard, the submission of the learned counsel for the petitioner Kanhaiya Pandey is that even as per the First Information Report, it was Chandan Chaudhary and Sudhir Singh who had gone to the house of the deceased and had taken him away and, as such, the subsequent story of the deceased being killed by the petitioner Kanhaiya Pandey and his father Anil Pandey has to be treated to be only an embellishment.

On the other hand, learned counsel for the petitioner Sudhir Singh @ Sudhir Kumar Singh has submitted that there are sufficient materials in the Case Diary to show that it was the combined act of Anil Pandey and Kanhaiya Pandey who had killed the deceased who was none else but married to the daughter of Anil Pandey and sister of Kanhaiya Pandey.

In the considered opinion of this Court, the present case is of a circumstantial evidence and whatever has been gone into by the court below while rejecting the prayer of anticipatory bail would definitely make out this much of allegation against the

petitioner Kanhaiya Pandey that the family of Anil Pandey and Kanhaiya Pandey was aggrieved on account of the marriage of the deceased with the daughter of Anil Pandey and sister of Kanhaiya Pandey. It is in this backdrop that one will have to also see the initial part of the prosecution case of the deceased being taken away at the instance of Sudhir Singh and Chandan Choudhary. Thus, in a case of the present nature, when the materials implicating the petitioners being surfaced in course of investigation and there is a cause for such offence being committed, this Court will not be inclined to grant privilege of anticipatory bail to either of the two petitioners.

Accordingly, the prayer for anticipatory bail of the petitioner, namely, Kanhaiya Pandey (Cr. Misc. No. 43377 of 2014) and Sudhir Singh @ Sudhir Kumar Singh (Cr. Misc. No. 48043 of 2014) is hereby rejected.

(Mihir Kumar Jha, J)

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