

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49301 of 2014

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

- =====
1. Niranjan Thakur S/O Khaldu Thakur R/O;T.V.Centre,May,P.S-Mufasil,District-Munger
 2. Bhavesh Thakur@Bulaki Thakur S/O Sri.Sarjun Thakur
 3. Rajendra Thakur S/O Sri DipoThakur
 4. Sadanand Thakur S/O Late Narad Thakur All Resident of village - Dariyapur Borgaon,P.S-Sajour District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 08-04-2015

Heard both sides.

The petitioners apprehend their arrest in Sajour (Sahkund) P.S. Case No. 126 of 2014 registered under section 302 and other allied sections of the Indian Penal Code.

The informant made allegation that Niranjan Thakur the petitioner and others came to her house and asked her husband as to why he did not offer feast to her Gotia on the occasion of marriage. The husband of the informant objected it , on which the petitioner Niranjan Thakur is said to have threw down the husband of the informant and when the informant asked why you are assaulting her husband, the petitioner pelted



stone which hit the mother of the informant and the mother of the informant became senseless and she was admitted to hospital. When the husband of the informant was coming after seeing her mother-in-law he was called for panchayati and all the accused persons assaulted him and confined him in a room but the husband of the informant fled away after breaking the ventilator of the room.

Mr. Mukherjee, learned counsel for the petitioners submits that all the allegations are false. Petitioners are agnates of the husband of the informant. The occurrence is said to have taken place on 30.07.2014 and the husband of the informant died on 31.07.2014 but the first information report was lodged on 01.08.2014. There is delay in lodging the F.I.R. It is submitted that the informant is not an eye witness of the occurrence. The story of fleeing away from the room after breaking open the ventilator does not appear to be probable. The I.O. also did not find the ventilator broken.

On the other hand the learned A.P.P. opposed the prayer for anticipatory bail. It appears that the petitioners caught the husband of the informant and assaulted him who subsequently died.

Considering the aforesaid facts, I am not

inclined to enlarge the petitioner on anticipatory bail. Accordingly the same is rejected. The petitioners are directed to surrender in the court below and the court below shall consider the prayer for regular bail of the petitioners taking into consideration that similarly situated co-accused persons have already been enlarged on regular bail. The court below shall dispose of the bail petition on the petitioners on the same day.

(Prabhat Kumar Jha, J)

M.Rahman/-

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