

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25719 of 2015

Arising out of PS.Case No. -28 Year- 2008 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

Binod Kumar, son of Late Gurucharan Das, resident of village-Bajitpur, Police Station-Barh in the district of Patna, presently posted as Sub-Inspector of Police, Police Line, Gaya in the district of Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Akhileshwar Pd. Singh, Sr. Advocate.

For the Opposite Party : Mr. Smt. Rina Sinha(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-09-2015 Heard learned senior counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Raghapur P.S. Case No. 28 of 2008 for the offences instituted under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 23.04.2008, the informant Akhilesh Kumar was sleeping alongwith family at 11.00 P.M., in the night and in the meantime, the officer-in-charge of Raghapur Police Station, namely, Vinod Kumar(petitioner) alongwith SAP Police Personnels came and surrounded his house and arrested his father and took away him outside of the house.



The informant saw that Shashi Rai, Karu Rai, Buletan Rai, Pankaj Rai, Chandradip Rai, Ranjit Rai and Arvind Rai were standing outside. It is further alleged that the police personnels took away his father in police jeep. It is further alleged that in the morning on 24.04.2008 at about 4.00 A.M. when his aunt went to attend natural call, she saw the dead body of his father and on her hulla the informant rushed there and saw that his father was lying dead in the ditch in front of his house. His head was badly injured there was sign of two bullet hit on chest. On back, about 5" long and 1" wide and about 1" deep were cut. The informant has full confidence that the officer-in-charge of Raghopur Police Station with the help of aforesaid named accused persons committed murder of his father and threw his dead body in the ditch.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner has been made accused in the present case due to mistake of fact. It has been pointed out by learned counsel for the petitioner that a protest petition alongwith number of petitions have been filed on behalf of the informant where he has denied the allegation levelled against the petitioner.

On behalf of the State it has been submitted that the present case relates to the year 2008 for the offences registered

under Sections 302/34 of the IPC and 27 of the Arms Act. It is further submitted on behalf of the learned counsel for the State that the protest petition in the present case which is Annexure-2 to the present application has been filed on 29.01.2015 and similarly Annexures-3 to 6 have also been filed in the year 2014 by the informant denying the allegation made in the F.I.R., except for one petition which has been filed in the year 2011.

There is no reason why the petitioner had moved before this Court at such a belated stage. It further appears that only after getting the evidence tampered in the present case, the present application has been preferred by the petitioner. As per the allegations made in the F.I.R., it is the petitioner who had taken the father of the informant in the police custody and thereafter within a period of six hours his dead body is said to have been recovered from the open field.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Raghapur P.S. Case No. 28 of 2008, pending in the court of the learned J.M. Ist Class, Vaishali at Hajipur.

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(Sudhir Singh, J)