

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51470 of 2015

Arising Out of PS.Case No. -17 Year- 2010 Thana -RAIL District- LAKHISARAI

1. Dilkash Kumar Singh Son of Late Bishundeo Singh Resident of village - Bind Toli, Police Station - Gopalpur, District - Bhagalpur at Present Posted at Town Police Station - Gopalganj, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Ataur Rahman(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 17-12-2015 Heard the learned counsel for the petitioner, the learned counsel for the informant and the learned Additional Public Prosecutor.

The petitioner apprehends his arrest in a case under Section 302, 201/34 of the Indian Penal Code.

On the basis of report of Station Superintendent, Railway Station, Jhajha an U. D. case No. 22/2010 was registered for recovery of a dead body. The post mortem was held on the dead body but after some time the petitioner lodged Jhajha GRP P.S. case No. 17/ 2010 for the killing of Abhimanyu Singh, an ASI, against unknown. The case was referred to CID on 09.09.2010 for further investigation. The CID after five years filed

the requisition for making the petitioner, informant of Jhaha GRP P.S. case No. 17/2010, as an accused on 27.06.2015.

It is submitted that petitioner did not register the U.D. case. The petitioner did not draw the inquest report. He had no occasion to see the dead body. The other officials of GRP P.S. investigated the case and after some time the dead body was duly identified by the son of deceased thereafter the present case was lodged. It is submitted that there is no other material to show that petitioner is in any way involved in causing death of the deceased, Abhimanyu Singh. Abhimanyu Singh, of course, was working as ASI but he was not on duty at the time of death and petitioner had no knowledge about his missing.

The learned counsel for the informant as well as the learned Additional Public Prosecutor, however, opposed the prayer for bail and submitted that petitioner and other police officials of GRP P.S., Jhajha consciously and knowingly concealed the dead body of ASI, Abhimanyu Singh. The police officials prepared the inquest report and they were well acquainted with the deceased from before. Photographs of the deceased were also taken but surprisingly none of the police officials of the GRP P.S. identified the deceased. The CID, during the course of investigation, put questionnaire and on such came to the finding that petitioner also

helped in killing the deceased and anticipatory bail petition of similarly situated accused, namely, Lal Bahadur Singh, Maheshwar Das and Rajdeo Singh have already been rejected vide orders passed in Cr. Misc. No. 48244 of 2015, Cr. Misc. No. 47576 of 2015 and Cr. Misc. No. 48536 of 2015.

Considering the fact that prayer for anticipatory bail of similarly situated accused have already been rejected, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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