

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6111 of 2015

Arising Out of PS.Case No. -241 Year- 2014 Thana -JAGDISHPUR District- BHAGALPUR

Arbind Mishra @ Arbind Kumar Mishra @ Arvind Kumar Mishra Son of
Late Mangal Mishra @ Mangal Mohan Mishra, Resident of Mohalla- Jai
Prakash Pandey Lane, Jogsar, Police Station- Adampur, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.10607 of 2015

Arising Out of PS.Case No. -241 Year- 2014 Thana -JAGDISHPUR District- BHAGALPUR

1. Rajnish Dubey @ Dablu s/o Satya Narayan Dubey
2. Ravi Shankar Dubey @ Tinsukia s/o Satya Narayan Dubey
3. Krishan Kanhaiya @ Kishan Dubey @ Kanhaiya s/o Satya Narayan Dubey
4. Rohit Dubey @ Rohit Kumar Dubey s/o Satya Narayan Dubey All are residents of village Tardih, P.S. Jagdishpur, District - Bhagalpur.
5. Manish Kumar @ Chandan Kumar Pandey s/o Kapildeo Pandey resident of village Sanhauli, P.S. Chitragupta Nagar, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.9604 of 2015

Arising Out of PS.Case No. -241 Year- 2014 Thana -JAGDISHPUR District- BHAGALPUR

1. Chunnu Mishra @ Amitabh Kumar Son of Arvind Kumar Mishra Resident of Mohalla- Jai Prakash Pandey Lane, Jogsar, Police Station- Adampur, District- Bhagalpur.
2. Mukesh Tiwari @ Chunnu Tiwari Son of Subhash Chandra Tiwari Resident of Mohalla- Kailashpur Colony, Chhatpati Pokhar, Mirjanhat, P.S.- Mojahidpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.6111 of 2015)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha(APP)

(In Cr.Misc. No.10607 of 2015)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta (APP)

(In Cr.Misc. No.9604 of 2015)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the Opposite Party/s : Mr. Ramesh Chandra(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

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21-05-2015

Heard learned counsel for the parties as with regard to

the prayer for anticipatory bail of the petitioners in connection with an offence under Section 364, 365/34 of the Indian Penal Code.

Mr. Ramakant Sharma, learned senior counsel for the petitioners, has basically concentrated on the aspect that when the relationship of Pooja with the victim Mayank had become strained on account of Pooja herself deserting him due to her findings Mayank, being a drug addict, the accusing finger on the family members of Pooja including the petitioners in the alleged kidnapping of Mayank must be held to be wholly baseless. He explains that as a matter of fact, Mayank has not been killed or taken away by any one and in fact he is still roaming around on his own and was also seen in his Nanihal.

Let it be noted that correctness of such defence of the petitioners can not be examined by this Court at the stage of grant

of anticipatory bail and these are the plea which ultimately may be raised by the petitioner in course of trial. The fact remains that Mayank till date is missing and the reason for such kidnapping by the petitioners family and/or supporters of Pooja with whom Mayank had his admitted relationship could also be by way of 'honour killing'. Whether such allegation against the petitioners is correct or not will be a subject matter of trial.

For the present, this Court can only observe that if the petitioners surrender and point out to the police about the specific place of presence of Mayank and that is found to be correct by the police, they would be entitled for grant of regular bail subject to recording of statement of Mayank under Section 164 Cr.P.C. and the nature of allegation made against the petitioners. This Court, however, is not inclined to grant privilege of anticipatory bail in a sensitive case like this involving the issue of 'honour killing'.

Thus, the prayer for anticipatory bail of the above named petitioners is hereby rejected but, then, nothing said in this order shall come in the way of the petitioners in surrendering and making a prayer for regular bail.

(Mihir Kumar Jha, J)

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