

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47576 of 2015

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

=====

Maheshwar Das, Son of Late Sukhali Das, Resident of Village- Gariya, P.S. Madhupur, District- Deoghar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 30-10-2015 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant, who has suo motu appeared.

The allegation against the petitioner is of complicity in the murder of the father of the informant who was at the relevant time posted in the same police station as Assistant Sub Inspector of Police in which the petitioner was also posted.

Learned counsel for the petitioner submits that there is no cogent or legal evidence to connect him to the crime and only because he was also posted in the same police station under which the dead body was recovered and at the relevant time was not identified and U.D. case was registered, only on mere suspicion, he has been implicated. It is submitted that the reason to connect the petitioner to the crime is only circumstantial and that too after five years of the

incident when the police has sent the requisition for their arrest to the Court concerned. Learned counsel submits that at best it can be a dereliction of duty on the part of the petitioner but it cannot be said that there was any criminal intention or complicity of the petitioner.

Learned A.P.P. and learned counsel for the informant submit that during investigation it has come that the petitioner was well known to the deceased being posted in the same police station at the time of incident and there being no initiative on his part either to find out regarding the deceased missing or his role after recovery of the body, including steps taken for identification, clearly cannot be taken as giving a clean chit to the petitioner. It is further submitted that the incident not having occurred in front of any witness, it is but natural that circumstantial evidence would be forthcoming and in the background of the fact that the deceased and the petitioner being well known to each other and at the relevant time posted at the same P.S., circumstances are strong against the petitioner to indicate being involved in the overall conspiracy.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on its own merits in accordance with law without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--