

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10233 of 2015

Arising Out of PS.Case No. -286 Year- 2014 Thana -MUFFASIL District- AURANGABAD

Nikhil Kumar Singh @ Shailesh Kumar Singh, Son of Vijay Kumar Singh,
Resident of village- Ganghar, P.S.- Mali, District- Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy

For the Opposite Party/s : Mr. Manoj Kumar No.1(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 04-09-2015 The petitioner is apprehending his arrest in connection
with Mufassil P.S. Case No.286 of 2014 for the offences instituted
under Sections 364, 364(A) and 365/34 of the I.P.C.

Heard learned counsel for the petitioner and learned
counsel for the State.

The prosecution story, in brief, is that when the
informant along with her husband, mother-in-law and brother of
her husband was in her house, the petitioner including two other
co-accused persons came to her house and the petitioner took her
husband to village Jasoiya to eat fish on assurance to reach her
husband to Dehri Railway Station as from where he was
scheduled to go to Ahmadabad by Parasnath Express Train. But
her husband could not reach his destination even he did not sit at

his reserved seat as on query the informant came to know from officials rather his seat remained vacant up to Bhabhua. As such, the informant suspected that the petitioner might have killed her husband because he is traceless so far.

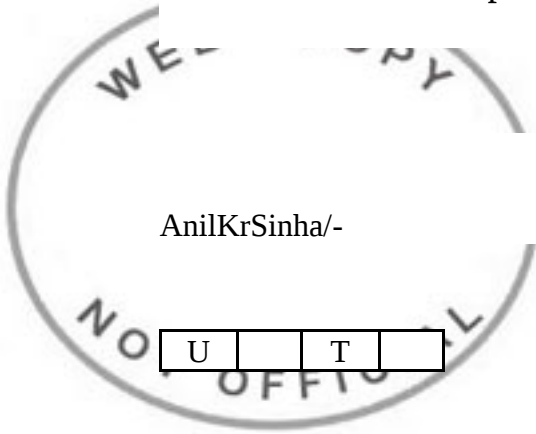
It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The alleged date of occurrence is said to be 18.09.2014 whereas the complaint was filed on 17.10.2014. No explanation for delay has been made on behalf of the prosecution which causes serious doubt on the prosecution. It has been submitted that both the parties are relatives and due to enmity the petitioner has been falsely implicated in the present case. No motive has been made against the petitioner for committing such occurrence.

On behalf of the State as well as the informant it has been submitted that the petitioner has been named in the F.I.R. and the victim has not yet been recovered.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

Now if the petitioner will surrender before the court below within eight weeks from today and pray for regular bail the same shall be considered on its own merit without being

prejudiced by this order of rejection, if possible, which shall be disposed of on the same day.



AnilKrSinha/-

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(Sudhir Singh, J)