

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20462 of 2015

Arising out of PS.Case No. -221 Year- 2012 Thana -FORBESGANJ District- ARRARIA

Mohan Jha @ Amrita Kant Jha, son o Shreekant Jha, resident of Village - Baradbatta, Police Station - Palasi, District - Araria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.25271 of 2015

Arising out of PS.Case No. -221 Year- 2012 Thana -FORBESGANJ District- ARRARIA

Aftab Alam, S/o Md. Moizuddin, resident of Sixsayad Coloney Araria, P.S. & District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.30250 of 2015

Arising out of PS.Case No. -221 Year- 2012 Thana -FORBESGANJ District- ARRARIA

Qumarzzama @ Md. Quamruzzaman, son of late Md. Sohailuddin, resident of Village -Gaiyari, P.s Araria, District Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.20462 of 2015)

For the Petitioner : Mr. Gyanand Roy, Advocate.

For the Opposite Party : Mr. Parmeshwar Mehta(App)

(In Cr.Misc. No.25271 of 2015)

For the Petitioner : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party : Mr. Smt.Renuka Ratnakar (App)

(In Cr.Misc. No.30250 of 2015)

For the Petitioner : Mr. Md. Naushad Uzzoha, Advocate.

For the Opposite Party : Mr. Smt.Pronati Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-09-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Forbesganj(Simraha) P.S. Case No. 221 of 2012 for the offences instituted under Sections 302, 201, 120(B), 376 and 420/34 of the IPC.

The prosecution story, in brief, is that the informant Anil Singh is uncle of the deceased Usha. He has lodged the case against the petitioners and others. It is alleged that the accused persons sexually exploited the deceased and caused her death under a conspiracy. It is further alleged that the petitioners and others had reached the house of Zarina from where the deceased was taken away on the motorcycle of Mohan Jha. It appears that the informant lodged the case with said allegations as he was told by Zarina Begum. The statement of Zarina Begum has been recorded under Section 164 Cr. P.C. in which she has clearly stated that the deceased was taken away from her house at about 8 in the night by the petitioners and Murshid Mukhiya. Thereafter about 12 in the night Mohan Jha informed her from the mobile of the deceased that the deceased was missing. Zarina Begum in her statement has also disclosed that the deceased on the day of her murder had told that she would lodge the case if she was not paid

money by Mukhia Murshid and Mohan Jha.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. It is further submitted that prior to institution of the present case there was one more case which was instituted and the petitioners have been named in the F.I.R. It is further submitted that the petitioners have been made accused in the present case due to mistake of fact. It is further submitted that other accused person Murshid Mukhiya @ Murshid Alam has been granted bail by this Court vide Cr. Misc. No. 12605 of 2013.

On behalf of the State it has been submitted that 164 Cr. P.C. statement of one Zarina Begum has been recorded which is annexure-7 to the petition which will show that there is dying declaration of the deceased where she has made specific allegation that she was raped by the accused persons and assaulted by the accused.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners in connection with Forbesganj (Simraha) P.S. Case No. 221 of 2012, pending in the court of the learned C.J.M., Araria. The same is rejected. Anyhow, if the petitioners surrender in the court below within a period of six weeks from the date of receipt/production of

copy of this order the same shall be considered on its own merit
without being prejudiced by this order.

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(Sudhir Singh, J)

