

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43002 of 2015

Arising Out of PS.Case No. -145 Year- 2015 Thana -AMARPUR District- BANKA

=====

1. Subodh Kumar Mandal @ Subodh Kumar Son of Bhuwaneshwar Mandal
2. Laddu Manjhi@Abdhesh Kumar son of Bhagwat Manjhi Both are residents of Village Kumarkhal ,P.S. Amarpur ,District Banka.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 18-12-2015

Heard learned counsel for the petitioners, learned

Additional P.P. for the State and learned counsel for the informant.

The petitioners pray for anticipatory bail in a case under Sections 302, 120B and 448/34 of the Indian Penal Code.

The allegation as mentioned by the complainant Manshi Kumari aged about 11 years, who is daughter of the deceased, which complaint was later registered as an FIR on the direction of the court under Section 156(3) of the Cr.P.C., is that four persons including these petitioners entered into the house at 11 O'clock in the night on 17.3.2015 and after throttling her mother by pressing their hands on her neck by the co-accused Lalu Yadav and Chandan Kumar she was set on fire. It is further stated that the accused persons threatened the informant with dire consequence and put her to fear of death due to which she did not say anything to the police at that time.

Learned counsel for the petitioners submits that the

complaint, which was later registered as an FIR, was lodged more than a month after the alleged occurrence, whereas UD case was lodged on the basis of the statement of the father of the deceased on 18.3.2015 itself in which no such allegation has been made. It is also submitted that the petitioners have been falsely implicated due to village politics and have no criminal antecedent.

Learned APP and learned counsel for the informant, on the other hand, submit that the girl has been put to such fear and was in a state of shock so that she could not say anything to the police immediately and only after a month the complaint petition was filed subsequently. It is submitted that in her statement before the police the girl has clearly stated the entire facts and thus it is not an incident which could be disbelieved. Moreover, the reason for the occurrence was that the deceased has been selected in the Angan Bari which had angered the accused persons and that led to the crime being committed.

On a consideration of the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioners. Their prayer for anticipatory bail is, accordingly, rejected.

(Ramesh Kumar Datta, J)

spal/-

U			
---	--	--	--