

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33991 of 2015

Arising Out of PS.Case No. -65 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

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1. Phool Babu Singh @ Chintu, Son of Vashistha Singh, Resident of Village – Machhakaul Sitamarhi at present Bahadurpur, Phekna O.P., District – Darbhanga.
 2. Rajnath Singh, Son of Ramkishore Singh, Resident of Village – Aadama, Police Station – Phekna, O.P., District – Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vikram Deo Singh, Advocate.

For the Opposite Party : Mr. Anil Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-10-2015 Heard both sides.

The petitioners apprehend their arrest in registered for the offences punishable under Sections 364 and 34 of the Indian Penal Code.

Bechan Ojha, father of Shailendra Kumar was the driver of the Scorpio of Shashi Kumar alleged that Pashupati Kuwar @ Munna Mukhiya took the vehicle of Shashi Kumar and driver of Shashi Kumar for taking feast, but his son did not return. Sudha Devi the wife of Pashupati Kuwar @ Munna Mukhiya also filed a case bearing Bahadurpur P.S. Case No. 67 of 2014 and alleged that the petitioners and others went along with her husband for feast, but her husband did not return. During the course of investigation Bahadurpur P.S. Case No. 67 of 2014 was

amalgamated with Bahadurpur P.S. Case No. 65 of 2014.

Shri Vikram Deo Singh, learned counsel for the petitioners submits that the petitioners are alleged to have went along with the deceased except that, there is no other material to show the involvement of the petitioners in the case or abductions of Shailendra Kumar and Pashupati Kuwar @ Munna Mukhiya. Himesh Kumar Mishra @ Himesh Mishra and Santosh Kumar confessed their guilt and disclosed that Shailendra Kumar and Pashupati Kuwar @ Munna Mukhiya were killed. It is further submitted that the co-accused namely Prajesh Kumar @ Prayesh Kumar Rai @ Pardeshi @ Tuntun Roy @ Brajesh Kumar and Sanjay Singh have been granted anticipatory bail.

It appears that the petitioners are named accused persons who are alleged to have went along with the deceased Shailendra Kumar and Pashupati Kuwar @ Munna Mukhiya on the vehicle of Shashi Kumar. Neither the driver Shailendra Kumar nor Pashupati Kuwar @ Munna Mukhiya returned and it has come that both were killed. The petitioners have got criminal antecedent. Name of the persons who were granted anticipatory bail sprang up during the course of investigation in the confessional statement of co-accused.

Considering the facts aforesaid, I am not inclined to

enlarge the petitioners above named on anticipatory bail.

Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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