

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40795 of 2015

Arising Out of PS.Case No. -320 Year- 2015 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

- =====
1. Ajay Sharma @ Ajay Kumar Sharma S/o - Late Rajdeo Singh
 2. Raj Kumar Sharma @ Gappu
 3. Mulur Sharma @ Mulur Kumar S/o Ajay Sharma
 4. Shiya Mani Devi W/o - Ajay Sharma All residents of Village - Momindpur, P.S. - Hilsa, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. A.A.Khan (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-11-2015 Heard both sides.

The petitioners apprehend their arrest in a case under
Section 302, 201/34 of the Indian Penal Code.

The informant, wife of the deceased, alleged that while she was sleeping with her daughters on the roof and her husband was sleeping in a room, the petitioners came and throttled her husband to death. The informant and her daughter made alarm but the accused persons confined her in a room and took the dead body for cremation.

Mr. Pramod Kumar Singh, the learned counsel for the petitioners, submits that the occurrence took place on 03.06.2015,



the cremation was held on 04.06.2015 but the FIR was lodged on 08.06.2015. There is no satisfactory explanation for delay although the informant tried to explain the delay in the FIR itself that she and her daughter were confined, that is why she did not lodge the case. It is further submitted that two witnesses, namely, Nitish Paswan and Surendra Sharma, were examined under section 164 of the Cr. P. C. and they disclosed that on the next day when they went to the house of the informant, the informant told that the petitioners killed Sanjay Sharma @ Munchun Sharma and took his dead body for cremation. It is submitted that this fact itself shows that the informant was not confined. The father-in-law of the informant lodged a complaint case against the informant and others for killing his son, Sanjay Sharma, on the basis of which Hilsa P.S. case No. 381 of 2015 was lodged.

The learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for anticipatory bail and submitted that witnesses have also supported the case. The informant made very specific allegation that the petitioners and others throttled her husband to death and thereafter took the dead body for cremation. The informant was not allowed to move outside her house to institute the case. The informant informed his parents and brothers and when they came she lodged

the case. The daughter of the informant also made same statement. Even Nitish Paswan and Surendra Sharma, although they are not eye witnesses of the occurrence, have stated that the informant on the next day of the occurrence disclosed that petitioners killed her husband.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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