

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14221 of 2016**

Arising Out of PS.Case No. -17 Year- 2010 Thana -RAIL District- LAKHISARAI

1. Priyawart Sharma son of Vidyasagar Singh resident of village -  
Athmalgola English, P.S. - Athmalgola, District - Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravi Shankar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1 (App)

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

3      26-05-2016                      Heard the Counsel for the petitioner, Counsel for the  
son of the deceased and the APP for the State.

The petitioner seeks anticipatory bail Jhajha Rail P.S.  
Case No. 17 of 2010 registered under Sections 302, 201/34 of the  
Indian Penal Code.

On the basis of a report of the Station Superintendent,  
initially U.D. Case No. 22 of 2010 was registered for recovery of a  
dead body on the rail track. After some time, co-accused Dilkash  
Kumar Singh lodged an F.I.R. against unknown in which he  
suspected the hands of another A.S.I. namely Lal Bahadur Singh  
and some other police personnel including the petitioner for  
causing death of the deceased who was later identified as  
Abhimanyu Singh, another A.S.I. posted at the Jhajha Railway

Station.

Contention of the petitioner is that even going by the F.I.R., the only allegation is that the inquest report in respect to the dead body of the deceased was performed by the petitioner and not by Lal Bahadur Singh who was assigned investigation of the U.D. Case. Lal Bahadur Singh was room mate as well as co-villager of the deceased. He may have some motive to commit the murder of the deceased.

Per contra, the Counsel for the son of the deceased as well as the APP for the State pointed out that in course of investigation in which questionnaire was put to Lal Bahadur Singh, the complicity of the petitioner has surfaced. It is a case in which the deceased was done to death in a pre-planned manner. Petitioner appears to be part of the conspiracy who made attempt to hide the identity of the deceased and the surfacing of the crime.

This Court finds from the web copies of few orders handed in by the Counsel for the son of the deceased that the anticipatory bail petition of co-accused Dilkash Kumar Singh (informant) and Maheshwar Das have been considered and rejected by this Court by well reasoned orders dated 17.12.2015 passed in Cr. Misc. No. 51470 of 2015 and order dated 30.10.2015

passed in Cr. Misc. No. 47576 of 2015 respectively.

Considering the facts and circumstances of the case, in my view, it is not a fit case where the petitioner should be extended privilege of anticipatory bail.

Prayer is, accordingly, rejected.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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