

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23871 of 2016

Arising Out of PS.Case No. -916 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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Raushan Kumar @ Raushan Kumar Singh S/o Anjani Kumar Singh
Resident of village- Dumari Kala Dangraha, P.S. Majorganj, District-
Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mrs. Veena Rani Prasad (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-07-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Sitamarhi P.S. Case No. 916 of 2015 registered for offences
punishable under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case, in brief, is that son of the
informant had hotel business and medical shop. On 21.11.2015 at
6:00 P.M. he had left for his medical shop but due to rush in the
hotel, informant asked his son through mobile to come to the hotel
whereafter he replied that he is coming just now, however, he did
not come. Informant tried to trace his son, but he could not
succeed. On 22.11.2015 he received information from Sitamarhi
Sadar Hospital that his son is dead. Thereafter informant went to

Sitamarhi Sadar Hospital where he found his son dead. Informant raised suspicion that his son has been murdered and his dead body has been thrown in a lonely place.

It has been submitted by the learned counsel for the petitioner that petitioner is not named in the First Information Report and during course of investigation, his name has surfaced only on the basis of suspicion and some witnesses have named this petitioner. He further submits that just because a sum of Rs. 50,000/-, as alleged, was given by the deceased Chandan Kumar to the petitioner on the assurance that he will return the said amount after some time, petitioner has been made accused. He further submits that petitioner does not have any criminal history, as is evident from paragraph 3 of this petition.

However, learned A.P.P. for the State submits that although the First Information Report is against unknown, but during course of investigation, petitioner has been made accused. He refers to paragraph 36 of the case diary in which one witness, namely, Mrityunjay Kumar Singh has fully supported the prosecution case and some of the witnesses in various paragraphs of the case diary have also supported the prosecution case. He submits that charge-sheet has been submitted against the father of the petitioner and investigation is still going on against this

petitioner. Hence, learned A.P.P. opposes the prayer for bail.

Since investigation is still going on against this petitioner and witnesses have supported the prosecution case, I am not inclined to grant the privilege of anticipatory bail to the petitioner. This application is, accordingly, rejected.

However, petitioner is at liberty to surrender before the Court of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 916 of 2015 within a period of four weeks from today and apply for regular bail, which should be considered and disposed of by the learned Court below in accordance with law preferably on the same day without being prejudiced by this order taking into account the fact that father of the petitioner has been granted regular bail.

(Nilu Agrawal, J.)

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