

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29054 of 2016

Arising Out of PS.Case No. -235 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

1. Binod Singh
2. Bipin Singh Both sons of Chunchun Singh Residents of village Lodiya,
P.S. Lakhisarai, District Lakhisarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Bhola Prasad, Advocate.
Mr. Amar Nath Singh, Advocate.
For the Opposite Party : Mr. Parmanand Prasad, APP.
For the Informant : Mr. Krishna Prasad Singh, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 17-11-2016 Heard both sides.

The petitioners apprehend their arrest in Lakhisarai P.S.
Case No. 235 of 2016 registered for the offences punishable under
Sections 302, 201 and 120B of the Indian Penal Code.

The informant, brother of the deceased, alleged that on
14.05.2016 the petitioner and others took his brother but his
brother did not return. On enquiry, the petitioners and other
accused persons have not given satisfactory reply. On 15.05.2016
the dead body of the deceased was found one kilometer north to
the village.

Shri Bhola Prasad, learned counsel appearing on behalf
of the petitioners submits that the informant, of course, named the
petitioners along with other accused persons that on 14.05.2016 in



the morning the petitioners took his brother and the dead body was recovered on 15.05.2016, but the post-mortem report shows that the death was occurred within 3 – 5 days. It is further submitted that if the post-mortem report is believed, the entire prosecution case is not worth reliable. The deceased was killed somewhere else much prior to the occurrence and due to village politics the petitioners have falsely been implicated in the case. The petitioner no. 2 is the branch manager.

Shri Krishna Prasad Singh, learned senior counsel appearing on behalf of the informant and the learned APP vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the petitioners have got criminal antecedent and on the same facts anticipatory bail of co-accused Randhir Singh and Rajesh Singh have already been rejected vide order passed in Cr. Misc. No. 31669 of 2016 on 26.09.2016.

It appears that the informant saw the petitioners and other accused persons taking away his brother in the morning of 14.05.2016 and, on 15.05.2016 at about 02:30 P.M., the dead body was found one kilometer north to the village. The doctor in his post-mortem report held that the death was occurred within 3 – 5 days and it is not stated that the death was caused before three days. Admittedly, after 36 hours the dead body was recovered.

Considering the facts aforesaid and the fact that the petitioners have got criminal antecedent, 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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