

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20299 of 2016

Arising Out of PS.Case No. -101 Year- 2015 Thana -SAHIYARA District- SITAMARHI

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1. Shatrughan Thakur Son of Kamal Thakur resident of village- Bakhari
Lohar Tola, P.S.- Bathnaha, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 17-08-2016 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Sahiyara P.S.Case No. 101 of 2015 registered under Sections 302, 201 and 34 of the Indian Penal Code, pending in the Court of learned C.J.M., Sitamarhi.

It is alleged in the fardbeyan that on 04.09.2015 at 4.30 P.M., informant got information that one dead body was lying in Bishunpur Pitambar Sareh. He went there and found a dead body of a lady lying in a Rahari field, who was aged about 40 years.

It is submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. The petitioner has got no criminal antecedent. The petitioner is not named in the FIR. From perusal of para 10 of the case diary it is

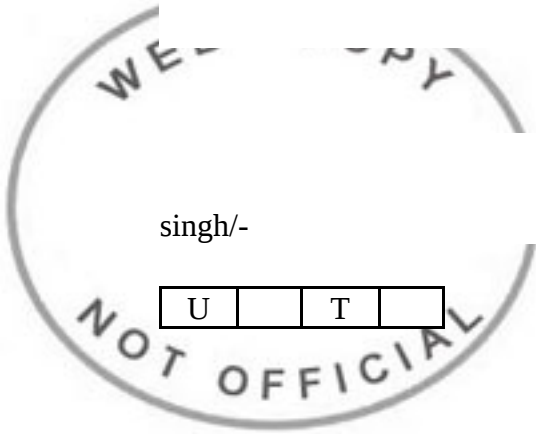
evident that the husband and two sons of the deceased failed to identify the dead body of the deceased. Subsequently the name of the petitioner has come in paras 13,14, 24,25 and 31 of the case diary. Failure to identify the dead body by the husband and the sons of the deceased creates doubt of the prosecution story. The other co-accused similarly situated have been granted anticipatory bail, vide Annexure 2 to the present application.

On behalf of the State it is submitted that in course of investigation petitioner has been named by the husband of the deceased, daughter of the deceased and daughter-in-law of the deceased. Apart from this a chance witness, who claims to be an eye witness of the alleged occurrence, namely, Paro Devi, in para 31 of the case diary has named this petitioner. The case of the petitioner is not similar to that of other co-accused, who have been granted anticipatory bail as the said Paro Devi , eye witness of the alleged occurrence, has not named the other co-accused, who have been granted anticipatory bail.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail and same is rejected.

Any how, if the petitioner surrenders in the court below within a period of eight weeks from today, same shall be

considered on its own merit without being prejudiced by this order.



(Sudhir Singh, J)

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