

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29777 of 2016

Arising Out of PS.Case No. -308 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

Amarnath Rai, Son of Ramjee Rai, Resident of Village- Mahua Singh Rai,
P.S- Mahua, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 28-09-2016 Heard both sides.

The petitioner apprehends his arrest in Mahua P.S. Case No. 308/2015, registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

The informant alleged that on 23.06.2015 his brother was at his Tobacco shop at 4.00 in the evening. Amarnath Rai, Sanju Rai and others were taking him in order to kill him. When the informant enquired from the petitioner he disclosed that the deceased fled away from the custody of the petitioner. On the next day the dead-body of the deceased was found within the territorial jurisdiction of Mahua Police Station.

Mr. Krishna Prasad Singh learned senior counsel for the petitioner submits that the petitioner gave Rs. 2,00,000/- to the



deceased for the purpose of marriage of his daughter through cheque. The cheque was encashed from the account of petitioner on 28.01.2015. The deceased committed suicide, but unfortunately, the family members of the deceased implicated the petitioner and others making false and fabricated story. During the course of investigation the informant himself stated that immediately after the occurrence he went to the house of the petitioner and the petitioner was inside his house and enquired about the matter. In para 83 and 84 of the case diary Santosh Sah tea-seller disclosed that on 23.06.2015 the petitioner along with the deceased and one unknown person came at his shop. There is no material against the petitioner to show that the petitioner killed the deceased.

Learned counsel for the informant as well as learned A.P.P. opposed the prayer for anticipatory bail of the petitioner.

It appears that the deceased himself telephoned his daughter Sanju Kumari and disclosed that petitioner and three others forcibly took him with an intention to kill him. On the next morning the dead body of the deceased was found in the territorial jurisdiction of Mahua Police Station. During the investigation, Sanju Kumari disclosed the same facts. The post-mortem report says that deceased was strangled to death by hard and blunt

object and he did not commit suicide.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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