

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27437 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Madan Kumar Thakur @ Madan Thakur S/o Late Satya Narayan Thakur
R/o village - Navrenga, P.S. Bairiya, Distt. - Baliya, State Uttar Pradesh

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha, Advocate.

For the Opposite Party : Mr. Sakir Ahmad, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-09-2016 Heard both sides.

The petitioner apprehends his arrest in Sahpur P.S. Case No. 48 of 2016 registered for the offences punishable under Sections 302, 307 and some other Sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant nephew of the deceased Bisheshwar Ojha alleged that while he and other accused persons were going to attend marriage ceremony and in the way Haresh Mishra, six other persons and some unknown persons intercepted the vehicle of the informant and they all made indiscriminate firing causing death of Bisheshwar Ojha.

Learned counsel for the petitioner submits that since seven persons are named in the FIR including 3 to 4 unknown



persons, the petitioner is admittedly not named in the FIR. Name of the petitioner figured in the confessional statement of co-accused who is said to have disclosed that the petitioner was fleeing away after committing the occurrence towards Uttar Pradesh and he was asked to facilitate his escape. It is further submitted that other witnesses also disclosed the name of the petitioner that too after about two months of the occurrence but no specific allegation is made against the petitioner.

On the other hand Sri Bindhyachal Singh, learned counsel for the informant as well as learned APP submitted that in the FIR itself, the informant made specific allegation that all the accused persons including 3 to 4 unknown persons also made indiscriminate firing. Name of the petitioner, of course, came after about two months, but during course of investigation witnesses have very categorically stated that the petitioner also made firing. Rifle of the petitioner was recovered from the possession of co-accused who confessed his guilt and disclosed the name of the petitioner. The rifle stands in the name of father of the petitioner and it has come that the same rifle was also used in killing of Bisheshwar Ojha.

Considering the facts aforesaid and the fact that there appears ample material against the petitioner that he also opened

firing at the deceased and rifle of the petitioner was found used in the murder of Bisheshwar Ojha, I am not inclined to enlarge the petitioner above named on anticipatory bail in Sahpur P.S. Case No. 48 of 2016, pending in the court of Additional Chief Judicial Magistrate, XIV, Ara. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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