

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41437 of 2016

Arising Out of PS.Case No. -144 Year- 2016 Thana -BELHAR District- BANKA

Subhash Singh Son of Late Mahendra Singh Resident of Village- Bahorna,
P.S.- Belhar (Khesar), District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 22-11-2016 Heard both sides.

The petitioner apprehends his arrest in Belhar P.S. Case No. 144/2016, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added after death of Kapildeo Singh father-in-law of the informant.

The informant named nine persons in the F.I.R. and made allegation that they all assaulted her father-in-law, mother-in-law and her husband. Father of the informant died during the course of treatment.

Learned counsel for the petitioner submits that the name of the petitioner did not figure in the case. The informant widow of the deceased and mother-in-law of the informant disclosed the



name of 17 persons out of which 08 persons including the petitioner has not been named in the F.I.R. even the mother-in-law did not make any specific allegation of assault against the petitioner. It is further submitted that the similarly situated co-accused Vijay Singh @ Bijo Singh has already been granted anticipatory bail vide order dated 02.09.2016 passed in Cr. Misc. 27943/2016 and the case of the petitioner stands on the same footing.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that process under Sections 82 and 83 have already been exhausted and in view of the judgment of the Supreme Court in case of Lavesb Vs. State (N.C.T. of Delhi), reported in 2012 (8)SCC 730, anticipatory bail should not have been entertained. Similar view was reiterated in case of State of M.P. Vs. Pradeep Sharma, reported in 2014 (2) SCC 171. It is submitted that in the present case also process under Sections 82 and 83 have already been exhausted.

Considering the facts aforesaid and the fact that the process under Sections 82 and 83 have already been exhausted, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated co-accused Vijay Singh @ Bijo Singh has already been granted anticipatory bail by this court and dispose of bail petition of the petitioner preferably on the same day.

(Prabhat Kumar Jha, J.)

Vinita/-

U		T	
---	--	---	--