

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44939 of 2016

Arising Out of PS.Case No. -289 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

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Shri Ram Gond, Son of Baldev Gond, Resident of Village- Udho Rampur, P.S.-
Asaon, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Amrendra Kumar & Mr. Ajay Kumar Pandey, Advocates
For the State	:	Mr. Nand Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with Siwan Muffasil P.S. Case No. 289 of 2016 dated 14.07.2016 instituted under Sections 419/420/201/34 of the Indian Penal Code.

The allegation against the petitioner, along with another co-accused, is of wrongly identifying the dead body of a girl as that being of his niece.

Learned counsel for the petitioner submits that a case was lodged by the mother of his niece i.e., the petitioner's sister-in-law (*Bhabhi*) namely, Badami Devi with regard to her daughter having gone missing and a body was recovered by the police and when the petitioner along with the mother of the girl were called to identify, they had stated that it was the body of the

niece of the petitioner and accordingly, the same was handed over to the petitioner’s family and last rites were performed. It is stated that later on, the girl was recovered from the house of the co-accused Badami Devi and, thus, the petitioner and Badami Devi have been made accused in the present case. It is stated that under pressure of police, they had identified the dead body and being illiterate, the petitioner has not done so with any ulterior intention.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the petitioner, being the own uncle of the girl, cannot plead innocence on the ground that he was forced to identify the body under police pressure and the same has resulted in serious prejudice to the girl who was killed since her family members could not perform the last rites as the body was disposed off by the family of the petitioner.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J.)

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