

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53078 of 2015

Arising Out of PS.Case No. -204 Year- 2015 Thana -JOKIHAT District- ARRARIA

1. Afroz @ Mastan, Son of Safi.
2. Firoz, Son of Safi.
3. Sanichara, Son of Deran.
4. Naushad, Son of Dhannu.
5. Soukat, Son of Dhannu.
All residents of village- Sisouna, P.S.- Jokihat, District- Araria.
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

with

Criminal Miscellaneous No.1844 of 2016

Arising Out of PS.Case No. -204 Year- 2015 Thana -JOKIHAT District- ARRARIA

1. Chunua Son of Nafil@Deru Resident of Village-Sisouna, P.s Jokihat,
District Araria.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.53078 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Binod Kumar -Iii(App)

(In Cr.Misc. No.1844 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Smt.Pushpa Sinha (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 03-02-2016 Heard the Counsel for the petitioners, the Counsel for the
informant as well as Mr. Dayal, APP for the State.

Petitioners of Cr. Misc. No. 53078 of 2015 are cited accused
of Jokihat P.S. Case No. 204 of 2015 registered under sections

302, 120(B/34 of the Indian Penal Code whereas name of petitioner of Cr. Misc. No.1844 of 2016 was surfaced in course of investigation of the case.

The informant alleged that in the evening of 10.07.2015, co-accused Kaishar had come and interrogated about her son and took her son along with him on motorcycle. Following Kaiser, the petitioner of Cr. Misc. No. 53078 of 2015 also came inquiring about Kaiser. The following day the dead body of her son was found having received stab injury. It has been submitted that merely on suspicion, the petitioners have been named in the First Information Report.

In course of investigation, Kaishar made confessional statement naming them as his accomplice. This may not be admissible since no recovery pursuant thereto was made of any other thing or article. Kaishar also named petitioner of Cr. Misc. No. 1844 of 2016.

Counsel for the informant, on the other hand, submits that the informant has specifically named the petitioners of Cr. Misc. No. 53078 of 2015 that they had come to the house after the deceased was taken away by accused Kaiser and interrogated about the deceased saying that he had become emboldened. The co-accused Kaiser when arrested made a statement in which the

names of the petitioners have surfaced. On the confession of the co-accused Kaiser, the weapon was also recovered.

Having considered the submissions of the parties as also after perusing the material on record including the seriousness of the allegation, I am not persuaded to extend the privilege of anticipatory bail to the petitioners. Their prayer stands rejected. They may surrender and seek bail.

(Kishore Kumar Mandal, J)

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