

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4120 of 2017

Arising Out of PS.Case No. -126 Year- 2016 Thana -KEOTI District- DARBHANGA

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1. Ram Ekwah Sah, Son of Narayan Sah, Resident of Village Sonhan, P.S. Keoti, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 26-04-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Keot Police Station Case No. 126 of 2016, disclosing offences under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, the petitioner used to give tuition to the deceased and it is also alleged that there was love affair between the petitioner and the deceased and when the informant came to know this fact, he along with family members killed the deceased and lodged an F.I.R. to implicate this petitioner. There is no eye witness to the alleged occurrence. Even the hut from where the dead body was recovered does not belong to the petitioner. Hence, the petitioner deserves the privilege of



anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail and submitted that the petitioner is sole accused in this case and there is direct allegation against the petitioner. Moreover, there was love affairs between the deceased and the petitioner, which was objected by the parents of the deceased, ultimately, she committed suicide in the house of the petitioner. The prosecution version has also been supported by the witnesses, which evident from paragraphs 4, 6 and 7 of the case diary.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of this petitioner is, hereby, rejected.

However, it is made clear that if the petitioner surrenders before the court below and prays for bail, the learned court below after perusing the case diary, if available, shall dispose of the application preferably on the same day without being prejudiced to the order of this Court.

(Arvind Srivastava, J)

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