

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11495 of 2017

Arising Out of PS.Case No. -307 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Abhishek Kumar @ Chhotu, Son of Hare Krishna Singh, Resident of
Village/Mohalla- Pokharia, P.S.-Begusarai Town, District-Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Malay Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Sri Binod Kumar No.-2

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 24-05-2017 Heard Mr. Ajay Kumar Thakur, learned counsel

appearing on behalf of the petitioner and learned A.P.P. appearing

on behalf of the State.

The petitioner apprehends his arrest in Begusarai

Town P.S. Case No.307 of 2016 under Sections 302 and 120B/34

of the Indian Penal Code.

Sumit Kumar, brother of the deceased Amit Poddar,

disclosed that after taking dinner at night his brother Amit Poddar,

sister-in-law Priyanka Devi and nephew Aryan Kumar went upon

the roof to sleep. The informant and his mother slept inside the

room. When the informant woke up in the next morning, he went

to the roof and found his brother Amit Poddar, sister-in-law and

nephew Aryan Kumar dead. Their necks have been cut by sharp



cutting weapon and there were also injuries on their bodies. The informant named Gopal Mandal, Raju Jha, Murari Singh and Pappu Singh and suspected that they might have killed his brother, sister-in-law and nephew on account of land dispute.

Sri Ajay Kumar Thakur, learned counsel for the petitioner submits that the petitioner is not named in the FIR. Admittedly, the occurrence took place on the roof of the house. The informant is the brother of the deceased Amit Poddar and he is beneficiary on account of death of his brother, sister-in-law and nephew. The informant in his further statement disclosed that Abhishek Kumar @ Chhotu and others were found roaming around his house in the evening of fateful day. The mother of the informant alleged that after occurrence when the dead bodies were sent to postmortem, the petitioner and Bidhan Chandra came to her house and threatened her of the same consequence. It is submitted that save and except suspicion there is absolutely no material in the entire case diary.

The learned A.P.P., however, opposed the prayer for bail and submitted that the petitioner immediately after the occurrence came to the house of the informant and threatened the mother of the deceased of dire consequences and they would meet the same fate.

It appears that of course the petitioner is not named



in the FIR, but in the subsequent statement the informant disclosed that the petitioner and others were found roaming around the house of informant in the evening of fateful night. The mother of the informant in paragraph 9 of the case diary disclosed that after occurrence, the petitioner and Bidhan Chandra came to her house and threatened her of dire consequence if accused persons were named. The petitioner is also on inimical term with the deceased from before. The offence is of serious and heinous nature as three persons were brutally done to death.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his prayer for anticipatory bail in connection with Begusarai Town P.S. Case No.307 of 2016 pending in the court of learned Chief Judicial Magistrate, Begusarai is rejected. However, if the petitioner surrenders in the court below, the court below shall consider his prayer for regular bail on its own merit without being prejudiced by the present order and considering the fact that similarly situated co-accused Bidhan Chandra, Gopal Mandal and Pappu Singh have already been enlarged on regular bail and dispose of the bail petition on the same day.

Arvind/-

(Prabhat Kumar Jha, J)

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