

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12062 of 2017

Arising Out of PS.Case No. -29 Year- 2016 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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Kailash Sah, Son of late Bhola Sah, Resident of Village-Sahtha
Niyamatpur, P.S.- Bhagwanpur, District-Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Ms. Bela Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 29-06-2017 Heard both sides.

The petitioner apprehends his arrest in Bhagwanpur
P.S. Case No. 29 of 2016 registered for the offences punishable
under Sections 364, 302, 201 and 34 of the Indian Penal Code.

Biltu Rai, the informant alleged that while he was
coming from Bhagwanpur police station along with his brother
Bindu Rai at about 04:00 P.M. in the evening the accused persons
including the petitioner surrounded the informant and his brother.
The accused persons kidnapped his brother and fled away.
Somehow the informant saved his life.

Learned counsel for the petitioner submits that the
occurrence took place on 02.02.2016 but the FIR was lodged on
05.02.2016. The informant, himself, stated in his fardbeyan that on
03.02.2016 he got information that the dead body of his brother



was lying on railway track near Rajendra Nagar railway terminal, Patna. The GRP lodged UD case for recovery of the dead body of an unknown person. The informant did not disclose the fact of kidnapping of his brother before the GRP at the time of taking the dead body but later on after full discussion this case has been lodged making the petitioner and others accused on account of land dispute. It is submitted that other accused persons namely Baidnath Sah vide order dated 20.01.2017 passed in Cr. Misc. No. 45090 of 2016 and Shambhu Sah and Ganesh Sah vide order dated 11.08.2016 passed in Cr. Misc. No. 23860 of 2016 were granted anticipatory bail. The case of the petitioner stands on the same footing. It is further submitted that prayer for anticipatory bail of Nirshan Sah and Wakil Sah was rejected vide order dated 10.01.2017 but even thereafter Baidnath Sah was granted bail vide order dated 20.01.2017.

It appears from perusal of the FIR and the case diary that the informant and all the witnesses have invariably stated that the petitioner and others kidnapped the brother of the informant on 02.02.2016 and the dead body of the brother of the informant was found lying on the railway track near Rajendra Nagar railway terminal, Patna. Of course, there is some delay in lodging the FIR but almost all the witnesses have stated that the petitioner and



others kidnapped the victim.

Considering the facts aforesaid, I am not inclined to
enlarge the petitioner above named on anticipatory bail.
Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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