

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4868 of 2017

Arising Out of PS.Case No. -505 Year- 2016 Thana -MARHAURA District- SARAN

- =====
1. Raj Kumar Tiwary, son of Satyendra Tiwary, Resident of Village-Salimapur, P.O. Awari, P.S. Marhaura, District- Saran at Chapra.
 2. Anil Singh, son of Late Bhuneshwar Singh,
 3. Munna Kumar Singh, son of Chandeshwar Singh,
 4. Ram Sewak Singh, son of Ram Chandra Singh, All Resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.8212 of 2017

Arising Out of PS.Case No. -505 Year- 2016 Thana -MARHAURA District- SARAN

- =====
1. Sanjay Kumar Singh @ Tunna Thakur son of Shivji Thakur resident of village - Nethua, P.O. Awari, P.S. Marhaura, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.4868 of 2017)

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|--------------------------|---|------------------------------|
| For the Petitioner/s | : | Mr. S.B.K. Mangalam |
| For the Opposite Party/s | : | Mr. Sri Jitendra Kumar Singh |
| For the Informant | : | Mr. Bindhyachal Singh |

(In Cr.Misc. No.8212 of 2017)

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|--------------------------|---|---------------------------|
| For the Petitioner/s | : | Mr. S.B.K. Mangalam |
| For the Opposite Party/s | : | Mr. Sri Akhileshwar Dayal |
| For the Informant | : | Mr. Bindhyachal Singh |

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-03-2017 The petitioners in both the above cases are apprehending their arrest in connection with Marhaura P.S. Case No. 505 of 2016, registered for offences punishable under Sections 364, 302,



201, 120(B)/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that there is delay in lodging the F.I.R in the present case and even the informant knowing the fact that his brother has been kidnapped by some persons, he did not inform the police about the said occurrence as the incident took place on 04.11.2016 at about 7.50 P.M. and the matter was reported to police on 05.11.2016. Further the dead body of the deceased was recovered within the jurisdiction of Baniyapur police station but the same was brought to Gaura Out Post under the jurisdiction of Marhaura police station, where the F.I.R was instituted against the petitioners, which is contrary to the provisions of Code of Criminal Procedure. All the above facts casts a serious doubt on entire prosecution story. The petitioners have been falsely implicated in this case due to previous enmity.

Heard learned A.P.P. and learned counsel, appearing on behalf of the informant. Learned counsel for the informant has submitted that so far as delay in lodging the F.I.R. is concerned, the same has already been explained as the informant was advised by his family members not to go out as one of the family members of the petitioners happens to be a notorious criminal and, therefore, the informant due to fear initially did not report the



matter to the police. It has further been submitted that deceased was kidnapped and subsequently killed by these petitioners and, therefore, none of the petitioners deserve the privilege of anticipatory bail.

Having heard both sides, considering the allegation made in the F.I.R. to my opinion, it is not a fit case for grant of anticipatory bail and the same is hereby rejected.

However, the petitioners may surrender before the court below and pray for regular bail and if any such application is filed, the same will be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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