

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11217 of 2017

Arising Out of PS.Case No. -337 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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1. Kushaishwar Sharma, Son of Late Gango Sharma, Resident of Village-Rampur, P.S. Bakhari, District- Begusarai. Presently Resident of Ward No. 45, Main Road, Hinu, Calcatta Furniture, P.S.- Doranda, Ranchi, Jharkhand- 834002.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 14-07-2017

Heard both sides.

The petitioner apprehends his arrest in Town P.S. case No.337 of 2016 under Section 302, 120B of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that she accompanied her husband while her husband was going outside the house, after receiving a call. About 2.30 PM near Co-operative College, Begusarai Siyaram Das, Saurabh Kumar, Kushaishwar Sharma, the petitioner, Ashok Sharma and two unknown persons came on two motor cycles and surrounded the scooty of informant. Ashok Sharma caught the husband of informant and Saurabh Kumar is alleged to have fired thereafter the accused persons fled away.



The learned counsel for the petitioner submits that the occurrence took place on 20.07.2016 but the informant made her statement on 22.07.2016. Land lord of the informant and other tenants in paragraphs 33, 34 and 35 of the case diary stated in their statements that the informant left her house after receiving information about the accident of her husband. It is submitted that informant is admittedly not eye witness of the occurrence. In paragraph 138 of the case diary the supervisory authority also found that FIR was lodged after two days of the occurrence and the informant appear to have lodged the case after having consultation with her counsel. The deceased had got criminal antecedent. The petitioner is on inimical term with the deceased from before.

The learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for anticipatory bail.

Perused the records and the case diary.

It appears that police recorded the statement of informant on 22.07.2016 but from paragraph 2 of the case diary it appears that police went to the place of occurrence on 20.07.2016 but they did not start the investigation. Inquest report was prepared on 21.07.2016. The informant made specific allegation that before



her husband become unconscious he disclosed that he was killed by the accused persons at the instance of Dy. S.P. posted in Bakhari. The I. O. is investigating the case in slipshod manner. The informant has made specific allegation that petitioner also surrounded the deceased and all the accused persons, having conspired among themselves, killed her husband.

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

(Prabhat Kumar Jha, J)

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