

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57790 of 2018

Arising Out of PS. Case No.-373 Year-2018 Thana- SITAMARHI District- Sitamarhi

Rajesh Paswan @ Rajeshwar Paswan son of Keshwar Paswan, resident of
Village- Girimishani, P.S. Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ajay Thakur, Advocate
Mr. Nilesh Kumar, Advocate
For the Opposite Party : Mr. Ram Priya Sharan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-12-2018 Heard Mr. Ajay Thakur, learned counsel for the petitioner and Mr. Ram Priya Sharan Singh, learned counsel for the State who has been assisted by Mr. Siyaram Shahi who represents the association of NRI persons whose parents are residing in India.

The petitioner seeks bail in anticipation of his arrest in connection with Sitamarhi P.S. Case No. 373 of 2018 dated 09.04.2018 instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code.

A police officer viz. Ashok Kumar Singh posted as Sub Inspector in Sitamarhi Police Station received an information that two persons are lying dead in Lichi orchard. On such information, the informant proceeded to the aforesaid Lichi garden which is situated in front of the house of late Bharat Prasad Singh. The dead body of



Bharat Prasad Singh was found in the garden and the dead body of wife of aforesaid Bharat Prasad Singh was found in the house. The wife of Bharat Prasad Singh was tied with a rope to a chair. At the time of lodging of the FIR, the only information which the informant could gather was that the deceased persons, who were husband and wife amongst themselves, are rich persons and they have got only one son who is working as a Doctor in Australia. On the basis of the aforesaid information the FIR in question was registered for investigation.

During the course of investigation, needle of suspicion veered round the cook and the guard of the deceased persons. They were arrested. Both of them have confessed that in the night of the occurrence, the petitioner and one Kanhai Thakur came and wanted those persons to open the door. Since the petitioner as well as Kanhai Thakur were known to the deceased persons and had been on visiting terms, they were allowed entry in the house. Later others also entered the house. Thereafter the house was locked and burglary was committed. The investigation papers further reveal that even the CCTV camera and all the apparatus attached for recording of the movements in the house were damaged while leaving the property. This, in sum



and substance is the material collected against the petitioner.

Mr. Thakur, learned advocate has submitted that despite the fact that two elderly persons who were staying in the house were murdered in cold blood, the fact of the matter remains that the only material against the petitioner even today is confession inculpatory.

However, regard being had to the nature of the case and looking at the tainted background of the petitioner, I am not inclined to grant anticipatory bail to him.

Mr. Thakur, learned advocate has informed this Court that the other accused persons who have been arrested on the basis of suspicion have been granted regular bail by the court below.

The prayer for anticipatory bail is rejected.

However, if the petitioner appears before the court below, the same shall be considered on its own merits without being prejudiced by the fact that the present anticipatory bail petition has been rejected.

(Ashutosh Kumar, J)

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