

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48039 of 2018

Arising Out of PS. Case No.-204 Year-2017 Thana- DHANAHA District- West Champaran

Subash Bin Son of Kanchan Bin Resident of Village- Musahari Bin Toli,
Police Station- Dhanaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 52150 of 2018

Arising Out of PS. Case No.-204 Year-2017 Thana- DHANAHA District- West Champaran

1. Sumitra Devi @ Sujitra Devi, W/o Late Gheghi Kushawaha @ Late Awadh Kishor Kushawaha, R/o Vill.- Mushahari Jang Rai Tola, P.S.- Dhanaha, District- West Champaran.
2. Om Prakash Kushawaha S/o Lakshan Kushawaha, R/o Vill.- Mushahari Jang Rai Tola, P.S.- Dhanaha, District- West Champaran.
3. Bihari Kushawaha, S/o Pujari Kushawaha, R/o Vill.- Banbirpur, Sidhuwa Bazar, P.S.- Padrona, District- Kushi Nagar (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 48039 of 2018)

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv

For the Opposite Party/s : Mr. Sri Pranav Kumar, APP

(In Criminal Miscellaneous No. 52150 of 2018)

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

4 27-11-2018

Heard learned counsel for the petitioners
and learned Additional Public Prosecutor for the State
in both the applications.

The petitioners are apprehending their



arrest in a case registered for the offences punishable under Sections 363,365,34 of the Indian Penal Code.

According to FIR, the petitioners and others came on three motorcycles at the house of the informant and took her husband for Bagaha. Thereafter, the husband of the informant did not return. The petitioners did not reply satisfactorily. Hence, the informant suspected that murder of her husband has been committed.

Submission of the learned counsel for the petitioners is that the dead body has not been recovered nor there is any corroborative evidence that the petitioners were seen while taking away the husband of the informant. There is material for false implication for the reason that husband of the informant was accused in the murder case of the husband of petitioner-Sumitra Devi @ Sujitra Devi. Further submission is that the independent witnesses have stated that for that reason petitioners have been falsely implicated.

Since there is no substantial material to disbelieve the statement of the informant at this stage and the allegation may require interrogation of the petitioners. Hence, I am not inclined to enlarge them



on anticipatory bail in connection with Dhanaha
P.S.Case No.204 of 2017 pending in the court of
learned Additional Chief Judicial Magistrate-1st,
Bagaha, West Champaran.

Accordingly, prayer is refused.

In the event of surrender of the petitioners,
prayer for regular bail shall be considered on its own
merit without being prejudiced by this order.

(Birendra Kumar, J)

Nitesh/-

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