

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8277 of 2019

Arising Out of PS. Case No.-308 Year-2002 Thana- DHOLBAJJA District- Bhagalpur

Indon @ Indu Devi, aged about 49 years, female, Wife of Nityanand Sharma,
Resident of Village - Luridas Tola, P.S.- Dholbajja, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302, 307, 326 and 34 of the Indian Penal Code and Sections and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Rinki Devi recorded by Navin Kumar, S.I.-cum-S.H.O., Dhojbajja O.P. is to the effect that the informant was sleeping with her children after taking dinner. The father of the informant slept with younger brother of the informant and her elder brother



slept with his wife in the room. In the meantime, 10-12 accused persons, including the petitioner variously armed with deadly weapons came and started firing, consequently, upon hearing the gunshot sound, the informant woke up. It is alleged that the informant identified five FIR named accused persons including the petitioner. On alarm being raised, all the accused persons escaped from the scene. Thereafter, the informant found that his father and elder brother was lying dead and his younger brother's leg has been cut down by a sharp cutting weapon.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of enmity and earlier land dispute. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the fact that for the occurrence of the year 2002, the application for grant of anticipatory bail has been filed in the year 2019, i.e., after 16 years of the occurrence, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.



However, the learned court below will consider the prayer for regular bail of the petitioner, if the petitioner surrenders with a period of six weeks, in connection with **Dholbajja P.S. Case No.308 of 2002**, pending in the Court of learned **2nd Additional District and Sessions Judge, Naugachia, Bhagalpur.**

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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