

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77101 of 2018

Arising Out of PS. Case No.-44 Year-2018 Thana- AGIAON BAZAR District- Bhojpur

1. Sumant Pandey @ Aditya Narayan Pandey, S/o Baijnath Pandey Resident of Village-Doman Dehra P.S. Agiaon bazar, Distt.-Bhojpur
2. Dhuran Kuwar @ Sanjeev Kumar @ Sanjeev Kumar Kuwar, S/o Suryadeo Kuwar Resident of Village-Gayghat P.S. Brahmpur, Distt.-Bhojpur

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate, Mr. Uday Kumar, Advocate, Ms. Preety Kunwar, Advocate
For the informant	:	Anil Kumar Roy, Advocate
For the State	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 01-05-2019 Heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Agiaon Bazar P.S. Case no. 44 of 2018, registered under Sections 302 and 120(B) of the Indian Penal Code.

The accusation is that in the evening of 04.05.2016 at about 8.00 P.M., informant Baijnath Pandey was at his door. At that time, Sanjay Pandey, Dinesh Pandey both sons of Tirthnath Pandey and Umesh Pandey came and asked



about his son Amit Pandey for going to attend Tilak ceremony. Thereafter, Sanjay Pandey and others accompanied his son Amit Pandey, when son of the informant did not return to his house then in search of his son, informant went at the house of Sanjay Pandey then he was informed by a lady that Sanjay has also not come. On the next morning, on the information of villagers, informant went to the field, where he saw the dead body of his son. The informant suspected that all the four accused persons, named in the F.I.R., in connivance with each other killed his son.

Learned counsel for the petitioner submits that, in fact, petitioner No.1 is another son of informant, whereas, petitioner No.2 is brother-in-law of another son of informant and they have falsely been implicated in this case mere on suspicion. Further submission is that in course of investigation, witnesses in paragraph No. 36 and 41 raised suspicion about hand in murder of son of the informant by his family members as the deceased had sold some land regarding which quarrel had took place and the other villagers have falsely been named in the F.I.R.

Learned counsel appearing on behalf of the informant submits that, in fact, with collusion of the villagers,



the I.O has not investigated the case properly and raised suspicion about having hand of his family members in the murder of son of the informant regarding which the informant has also filed Cr. W.J.C No. 2636 of 2018 for giving direction for proper investigation in the case.

Having regard to the facts and circumstances of the case, let the provisional anticipatory bail granted to the above named petitioners vide order dated 17.01.2019 in connection with Agiaon P.S. Case No. 44 of 2018 is, hereby, confirmed.

(Rajendra Kumar Mishra, J)

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