

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26055 of 2019**

Arising Out of P.S. Case No.-423 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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Jyotish Jha @ Jyotish Kumar Jha, Male, Aged about 28 plus, Son of Shiv
Chandra Jha @ Bhola Jha, Resident of Village - Bathai, P.S.- Manigachhi,
District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Advocate
For the State : Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH
ORAL JUDGMENT**

Date : 23-07-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Sadar PS Case No. 423 of 2018 dated 24.10.2018 instituted under
Sections 302, 201 and 120B/34 of the Indian Penal Code.

3. The allegation against the petitioner and four others is
of killing the father-in-law of the informant after abducting him.



4. Learned counsel for the petitioner submitted that as per the allegation in the FIR itself, the informant is said to have heard the conversation between the deceased and the accused when the deceased had told the informant that he was being beaten up by them. Learned counsel submitted that the police during investigation has found that no such telephonic talk took place between the parties. It was further submitted that in the FIR itself, it is stated that there was legal battle relating to land dispute between the parties and a title suit was pending but the fact is that the petitioner was not a party to any suit or litigation with the deceased. Learned counsel submitted that because the petitioner had bought land which was the subject matter of partition suit from the co-sharer (also co-accused) of the deceased, which was being contested, to exert pressure on them and also to prevent others from buying any land from the said co-sharer, he has been falsely implicated.

5. Learned APP submitted that the witnesses have stated with regard to the deceased having expressed apprehension from the petitioner and also that in the past, there have been attempts to harm the deceased by the petitioner and the other accused.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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