

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37755 of 2019

Arising Out of PS. Case No.-160 Year-2018 Thana- KANHAULI District- Sitamarhi

1. VIJAY KAPAD @ VIJAY KAPAR S/o- Nagendra Kapad @ Nagendra Kapar R/o- Village- Khap, P.S.- Kanhauli, District- Sitamarhi.
2. Rohit Kumar @ Rohit Kapad S/o - Netanand Kapad R/o- Village- Khap, P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Deovind Kumar Singh
For the Opposite Party/s	:	Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-09-2019 The petitioners apprehend their arrest in connection with Kanhauli P. S. Case No. 160 of 2018 registered under Sections 120B, 201 and 302 of the Indian Penal Code.

The prosecution case as per FIR is that on 22.12.2018, the son of the informant namely Abhishek Kumar went outside his house but did not return. On 23.12.2018, the informant heard that a dead body was lying in the field west-north side of village-Khap, he went there and identified the dead body of his son. It has been claimed that Priti Kumari, in conspiracy with other accused persons, has committed murder of the son of the informant.

Learned counsel appearing on behalf of the petitioners submits that there was love affair in between Priti Kumari and



deceased Abhishek Kumar and petitioners have falsely been dragged in this case on the basis of confessional statement made by the arrested co-accused. Learned counsel further submits that Rakesh Kapad, who is father of Priti Kumari, was arrested by the police and in his confessional statement, he has stated that he along with petitioners assaulted the deceased, causing his death.

On the other hand, learned counsel for the State, referring to case diary, submits that material has come that petitioners also assaulted the deceased along with others causing his death.

After having heard learned counsel for the parties and taking into consideration the fact that complicity of the petitioners has come during the course of investigation and custodial interrogation of the petitioners may be necessary, as such I am not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for anticipatory bail to the petitioners is hereby rejected.

(Anil Kumar Sinha, J)

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