

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37502 of 2019

Arising Out of PS. Case No.-209 Year-2018 Thana- TARIYANI CHOWK District- Sheohar

1. Monu Thakur, S/o Sunil Thakur, R/o village- Balha Chak Mahesi , P.S.- Chak Mahesi, District- Samastipur
2. Ankit Thakur, S/o Deep Narayan Thakur, R/o village- Balha Chak Mahesi , P.S.- Chak Mahesi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-09-2019 This is an application for grant of anticipatory bail in connection with Tariyani P. S. Case No. 209 of 2018, disclosing offences under Sections 365 and 120-B of IPC.

As per prosecution case the son of the informant has gone along with Rs.24000/- and later on, he got a mobile call from the Chak Mahesi that his brother was kept confined there and that he ask in the way that he has coming and further story is that the informant went there and he get the information that petitioner no.1 who has criminal antecedent has kept him confined. Further story is that his son has love affair with the cousin sister of the petitioner no.1. The F.I.R. also disclosed that petitioner no.1 got him confined at village Kubauli in the house of Fufa. Later on, his dead body was found.



Submission of the learned counsel for the petitioners is that except suspicion there is nothing against the petitioners. There was no eye witness of the occurrence.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, who has opposed the prayer for anticipatory bail on the ground that petitioner no.1 has criminal antecedent also. He is an accused in one more case and the petitioners have killed the brother of the informant, as he had love affair with the cousin sister of the petitioner no.1. However, no specific allegation has been attributed to the petitioner no.2.

Having heard both sides, in view of the facts, as stated above, so far as, petitioner no.1 is concerned, I am not inclined to grant privilege of anticipatory bail and provisional bail granted to him, vide order dated 21.06.2019 is withdrawn. However, he may surrender before the learned court below and make prayer for regular bail, the same shall be considered by the learned court below on its own merit, without being prejudiced by order of this Court.

So far as petitioner no.2 is concerned, his prayer for bail is allowed. Provisional bail granted to petitioner no.2, vide order dated 21.06.2019 is confirmed.



With the aforesaid, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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