

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40258 of 2019

Arising Out of PS. Case No.-90 Year-2018 Thana- BARHIYA District- Lakhisarai

Raja Ram Kumar, Son of Harish Chandra Singh Resident of Village -
Barahiya Tola Ram Charan, Ward No. 6, P.S.- Barahiya, District - Lakhisarai.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Barahiya P.S. Case No.90 of 2018, for the offence punishable
under Section 363 of the Indian Penal Code.

The allegation against the petitioner as per the First
Information Report is that the victim had gone coaching classes
on the date of occurrence on 02.06.2018 and after completion of
the classes, he told his friend that he would be going with
Aakash, who had called him but victim did not return to his
house. Later on the dead body of the victim was recovered.
Inquest report dated 07.06.2018 was prepared and Section 302,
201, 34 has been added.

Learned counsel for the petitioner submits that



petitioner is not named in the First Information Report and his name has transpired on the basis of confessional statement made by co-accused, Abhimanyu Singh. Learned counsel referring to the statement made by co-accused, Abhimanyu Singh in paragraph 78 submits that from perusal of the statement made by Abhimanyu Singh, it would be evident that no overt act has been alleged against the petitioner and only allegation is that he along with Abhimanyu Singh had chalked out a plan to kill the deceased.

On the other hand, learned counsel appearing for the State vehemently opposes the prayer for anticipatory bail and submits that complicity of the petitioner has been disclosed by the co-accused, Abhimanyu Singh and he has explained the circumstances under which the offence has been committed by the accused persons.

Having regard to the submissions made by the parties and taking into consideration the fact that the name of the petitioner has been disclosed by the arrested co-accused, Abhimanyu Singh who has categorically stated that he along with petitioner and others chalked a plan to kill the victim, accordingly, in my opinion, the custodial interrogation of the petitioner may be necessary.



Accordingly, I am not inclined to grant anticipatory
bail to the petitioner and the same is hereby rejected.

(Anil Kumar Sinha, J)

sanjeev/-

U		T	
---	--	---	--

