

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55399 of 2019

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

1. ANIL THAKUR Son of Late Ramashish Thakur Resident of Village - Balha, P.S.- Chak Maheshi, Dist.- Samastipur
2. Asha Devi W/o Anil Thakur Resident of Village - Balha, P.S.- Chak Maheshi, Dist.- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 27-11-2019 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the Informant is also present.

The petitioners are apprehending their arrest in connection with Tariyani P.S. Case No. 209 of 2018 for the offence registered under Sections 264, 302 and 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are father and mother of the girl with whom it is alleged that the deceased was having some relations. It is further submitted that there is absolutely no cogent material in record and only on suspicion that because the deceased was having



some relationship with the daughter of these petitioners, the prosecution has been lodged against him on the basis of certain hearsay statement made by the villagers. It is further submitted that though such statement has been made, the actual statement of such co-villagers has not been taken. He, thus, submits that based on such remote allegations that the petitioners may have participated in the occurrence leading to the death of the son of the informant, the petitioners are apprehending their arrest.

Learned counsel for the informant, however, has stiffly resisted the application for grant of anticipatory bail as he submits that during the course of investigation, it has transpired that one of the co-villagers has stated that the petitioners had taken the deceased to his house and had beaten him up and thereafter, he had gone with one Monu Thakur. It is further submitted that the said Monu Thakur had taken away the victim boy and thereafter, on 11.12.2018 and thereafter, his body was discovered on 23.12.2018. It is, therefore, submitted that there is all likelihood that since the girl was having an affair with the victim boy, the parents have been responsible for his disappearance and subsequent death.

Diary of the present case was called for which has since been received.



Learned counsel for the State, after perusal of the case diary, submits that there is an allegation against the petitioners that they had confined the boy in his house and had got him beaten up. However, the dead body of the boy was found 10 days thereafter and the body was not fully decomposed or it would not have been identified. It is submitted by learned counsel for the State submits that save and except the statement made in paragraph- 49 of the case diary wherein the Chowkidar has made the statement that the petitioners had confined the boy in his room and had beaten him up, there is no further cogent material to connect with the occurrence with the act as alleged against the petitioners.

Having considered the entire facts and circumstances of the case and there being a remote reference and which too is based on mere hearsay of co-villagers, whose statement has not been taken by the police themselves and that these petitioners have no criminal antecedent, let the petitioners, above named, in the event of their arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sheohar in



connection with Tariyani P.S. Case No. 209 of 2018, subject to
the conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Anjana Mishra, J)

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