

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10673 of 2020

Arising Out of PS. Case No.-37 Year-2019 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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ASHUTOSH KUMAR JHA @ ASHUTOSH JHA @ ASHUTOSH KUMAR,
son of Raj Kumar @ Raj Kumar Jha, resident of Village Kharauna Dih, P.S.
Kudhani (wrongly mentioned in FIR as P.S. Sadar), District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr. Raj Ballav Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 11-09-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner apprehends his arrest in connection
with Bela Police Station Case No. 37 of 2019, registered for the
offence punishable under Sections 307/506/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner, as per the First
Information Report, is that in the intervening night of
15/16.09.2019, at about 1 AM, when the informant was sleeping
in his house and the father of the informant was sleeping in the
verandah of his house, he heard a huge sound and when the
informant rushed to the verandah of his house, he found his



father in unconscious condition and blood was oozing out of his head.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to previous enmity. He further submits that the occurrence has taken place in the intervening night of 15-16.09.2019 and the First Information Report has been lodged after delay on 18.09.2019 and the First Information Report was sent to the Court on 24.09.2019. He further submits that the petitioner has been implicated due to the fact that there was dispute between the sister-in-law of the deceased and the petitioner, who happens to be the wife of the petitioner. He further submits that the petitioner has been implicated in this case on the basis of suspicion only inasmuch as maintenance case, bearing Maintenance Case No. 171 of 2018 is pending in the Court of learned Principal Judge, Family Court, Muzaffarpur, between the petitioner and his wife. He further submits that there is no evidence on record to connect the petitioner with the present offence.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that in course of investigation, enough material has come



against the petitioner and the investigation is still going on. He further submits that the informant, in the First Information Report, has clearly raised suspicion that the father of the informant used to intervene between the petitioner and his wife, which was not of the liking of the petitioner and the petitioner used to threaten the father of the informant frequently. He further submits that the witnesses have stated against the conduct of the petitioner in various paragraphs of the case diary and the petitioner does not deserve privilege of anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the strong suspicion raised against the petitioner, the allegation being serious in nature, the investigation of the case is still pending and the custodial interrogation of the petitioner may be required in order to ascertain the correct fact, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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