

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65092 of 2019

Arising Out of PS. Case No.-122 Year-2018 Thana- MAINATAND District- West Champaran

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ABULAISH MIAN @ ABULAIS MIYAN Son of Sahebjan Miya Resident of
Village- Pipra Santpur, P.S.-Mainatar, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajeet Kumar Bhardwaj

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-03-2020 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 364A, 323 and 302 of the IPC.

The prosecution case, as per the written report of Nand Kishor Raut submitted to the Station House Officer, Mainatar Police Station, is to the effect that on 18.10.2018 at about 7 P.M., the son of the informant went to worship on the occasion of Durga Puja and to watch cultural programme, but he did not return. Consequently, the informant lodged FIR on 19.10.2018 against unknown persons. Subsequently, during investigation, the father of the informant suggested that the informant had entered into an agreement with co-accused Raj Kumar Paswan



for purchasing a land, in which the petitioner was mediator, but neither the land was transferred, nor was the money returned and when the informant asked the petitioner to return the amount then the petitioner and co-accused Raj Kumar Paswan virtually kidnapped the son of the informant and killed him.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. The informant had not entered into agreement with the petitioner and in the background of contractual dispute, the petitioner has maliciously been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary, submits that in paragraph no. 17 of the case diary, the father of the informant has raised suspicion against the petitioner. Moreover, statement of co-accused Raj Kumar Paswan was recorded in paragraph no. 71 of the case diary, where he has stated that the victim boy was kidnapped and killed at the hands of the petitioner.

Considering the nature of accusation, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.



Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Mainatar P.S. Case No. 122 of 2018 pending in the Court of learned SDJM, West Champaran, Bettiah.

Accordingly, the present application is dismissed.

(Dinesh Kumar Singh, J)

Amrendra/-

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