

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70188 of 2019

Arising Out of PS. Case No.-829 Year-2018 Thana- HAJIPUR District- Vaishali

Vijay Anand @ Vijay Baba Son of Anand Mohan Jha Resident of Bankmen Colony, Hajipur, P.S.- Town, Distt - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Abhay Kumar, Advocate
For the State	:	Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

4 03-07-2020 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner apprehends his arrest in connection with Hajipur Town P.S. Case No. 829 of 2018 registered for the offences punishable under Sections 302, 120-B of the Indian Penal Code and 27 of the Arms Act.

Petitioner is named in the first information report but admittedly, informant is not an eye witness of the alleged occurrence. The perusal of case dairy goes to show that not a single prosecution witness claimed to have seen the actual killing of the deceased. However, the informant claims that on the alleged date of occurrence, her husband (deceased) left his



house on the call of petitioner. Furthermore, informant claims that petitioner and co-accused Pintu Singh had taken heavy amount from the husband of the informant and her husband was killed by the petitioner and co-accused Pintu Singh as they were not in mood to return the loan amount.

Learned counsel appearing for the petitioner submits that except suspicion, there is nothing against the petitioner and moreover, there is nothing on the entire case diary to show that petitioner had taken loan from the husband of the informant.

On the other hand, learned Additional Public Prosecutor opposed the prayer submitting that the informant has very clearly stated that before leaving the house, her husband had disclosed that he was going to meet the petitioner as petitioner had called him.

The perusal of case diary goes to show that at para 17 of the case diary, the statement of informant was recorded and she disclosed that one Moulvi Saheb, friend of her husband, had disclosed her that he had seen the deceased with petitioner and Pintu Singh on the alleged date of occurrence but it is surprising enough that investigating officer did not take pain to trace out the aforesaid Moulvi Saheb for recording his statement. Moreover, it is a serious case of murder and the prosecution has



brought some circumstantial evidence to show the involvement of the petitioner and, therefore, I am not inclined to extend the privilege of anticipatory bail to petitioner and accordingly, his prayer for anticipatory bail stands rejected.

However, it is made clear that this order shall not cause any prejudice to competent court at the time of consideration of regular bail application of the petitioner.

(Hemant Kumar Srivastava, J)

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