

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65176 of 2019

Arising Out of PS. Case No.-41 Year-2017 Thana- BARHAT District- Jamui

SHANKAR KODA Son of Bhatu Koda Resident of Village- Kumartari, P.S.-
Barhat, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha
For the Opposite Party/s : Mr. Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Barhat P.S. Case No. 41 of 2017, registered for the offence punishable under Sections 147, 148, 302 of the Indian Penal Code and Sections 16, 17, 18, 20, 21, 22 of the Unlawful Activities and Prevention Act.

The allegation is regarding the accused persons including the petitioner herein having killed two sons and wife of the informant and the said accused persons are stated to be naxals. It has been alleged that the reason for killing is that the said deceased persons had refused to join the local naxal movement whereupon the naxals had passed a death sentence regarding the entire family of the informant.

The learned counsel for the petitioner has submitted that



the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that there is no proof of the complicity of the petitioner in the alleged occurrence.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail and has submitted that there are ample materials in the case diary to show the complicity of the petitioner in the alleged crime.

I have heard the learned counsel for the parties and perused the materials on record as also have gone through the case diary, which was called for earlier by this Court. Allegations have been levelled against the petitioner and the other co-accused persons of having committed gruesome murder of three persons and a bare perusal of the case diary would show that during the course of investigation, the occurrence, as alleged, has been found to be true. Considering the gravity of the offences alleged as also the seriousness of the allegations levelled against the petitioner herein, I do not find the present case to be a fit case for grant of anticipatory bail, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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