

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84090 of 2019

Arising Out of PS. Case No.-52 Year-2015 Thana- NAUBATPUR District- Patna

1. ANIL KUMAR SINGH Son of Late Hira Prasad Singh Resident of Village-Tarwan, Police Station- Naubatpur, District- Patna.
2. Pashupati Sharma Son of Late Hira Prasad Singh Resident of Village-Tarwan, Police Station- Naubatpur, District- Patna.
3. Mritunjay Kumar Son of Pashupati Sharma Resident of Village- Tarwan, Police Station- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Singh
For the State	:	Mr.Nirmala Kumari
for the Informant	:	Mr. Jai Prakash Verma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 23-06-2020 Heard Mr. Ram Suresh Rai, the learned senior counsel for the petitioners, the learned APP and Mr. Jai Prakash Verma, the learned counsel for the informant.

The matter has been taken up through video conferencing.

The petitioners apprehend their arrest in Naubatpur P.S. case No. 52 of 2015 registered under Section 341, 342, 323, 302, 201/34 of the IPC.

The informant filed the complaint case on the basis of which the present FIR was registered. The informant alleged that the accused persons took her husband and drowned him in the canal.

The learned senior counsel for the petitioners submits that police after investigation submitted final finding the accusation false but the learned Judicial Magistrate took



cognizance u/s 302 and other Sections of the IPC. There is absolutely no evidence against the petitioners. The informant is not an eye witness of the occurrence. When the dead body of the husband of informant was found the informant did not raise any suspicion. The complaint itself was filed after consultation. The petitioners are old man but while opposing the prayer for anticipatory bail the learned counsel for the informant and the learned APP submit that bail petition of similarly situated accused, Akhilesh Kumar and Yogendra Prasad Yadav was rejected vide order dated 07.05.2019 passed in Cr. Misc. No. 28613 of 2019 by a coordinate bench of this court. It is a case of murder and the offence is very serious in nature.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below the learned court below shall consider the prayer for regular bail of the petitioners on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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