

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77494 of 2019

Arising Out of PS. Case No.-410 Year-2019 Thana- BAHADURPUR District- Darbhanga

SANTOSH JHA @ SANTOSH KUMAR JHA S/o Late Sushil Chandra Jha
Resident of Village- Deokuli Bahadurpur, P.S.- Bahadurpur, District-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-03-2020 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 Bahadurpur P.S. Case No. 410 of 2019,
registered for the offence punishable under Sections 306 and
201/34 of the Indian Penal Code.

Initially, a U/D Case No. 16 of 2019 dated 17.8.2019 was
registered on the basis of written application of the petitioner
herein regarding the death of the mother of the petitioner
whereupon investigation was handed over to the police
personnel, but upon investigation, it has been found that in the
night on 15.8.2019, the deceased, Geeta Devi, died on account
of burn injury. It also transpired during investigation that the



grandsons of the deceased, namely, Ritesh Kumar and Aditya Kumar as also the petitioner herein, who happens to be the son of the deceased along with other family members used to harass the deceased and used to prevent her from going outside the house. The police is stated to have found during investigation that since the deceased, Geeta Devi, was subjected to severe harassment and torture by the petitioner and her two grandsons, she committed suicide whereupon the present FIR has been lodged against the accused persons including the petitioner herein by the Inspector of Police, Bahadurpur Police Station, Darbhanga on 19.8.2019.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case and in fact, he had filed a U/D case initially, regarding death of his mother, however, subsequently, he has been falsely implicated in the present case. It is further submitted that the mother of the petitioner died on account of catching fire while performing puja. The petitioner is stated to be having a clean antecedent.

At the outset, it would be relevant to mention here that U/D case was filed by the petitioner, however, the investigation was handed over to the police and the police, upon



investigation, has found the complicity of the petitioner and the grandsons of the deceased inasmuch as they used to harass the deceased and prevented her from leaving her house resulting in her committing suicide.

I have heard the learned counsel for the parties and perused the materials on record as also the case diary, which was called for by this Court. A bare perusal of the case diary, especially paragraph nos. 6, 7 and 8 would show that independent witnesses have also corroborated the fact that the petitioner and other accused persons used to harass the deceased and also used to prevent her from going outside the house as also used to mentally torture her resulting in the deceased committing suicide by putting herself on fire. The police has also found sufficient materials during the course of investigation, which is apparent from a bare perusal of the case diary, to substantiate the allegations levelled against the petitioner herein and the complicity of the petitioner in the alleged crime stands corroborated. Thus, considering the gravity of the offences alleged to have been committed by the petitioner as also taking into account the seriousness of the charges levelled against the petitioner, this Court finds that there is no merit in the prayer of the petitioner for grant of anticipatory bail,



hence, the same stands rejected.

Before parting, this Court would like to deal with the submissions made by the learned counsel for the petitioner to the effect that the grandsons of the deceased have already been granted bail by a coordinate Bench of this Court. In this regard, it must be pointed out that first of all, the said order dated 6.11.2019 passed by a coordinate Bench of this Court in Criminal Miscellaneous No. 68772 of 2019 has been passed on a petition filed by the co-accused persons for grant of regular bail and not anticipatory bail and secondly, the said order has been passed without taking into account the contents of the case diary and the findings of the police arrived at during the course of investigation, hence, the said order dated 6.11.2019 has got no applicability in the present case wherein the petitioner has prayed for grant of anticipatory bail. Moreover, since this Court by an earlier order dated 9.12.2019, passed in the present case, had called for the case diary, it is incumbent upon this Court to peruse the case diary for the purposes of determining as to what are the materials which have been collected during the course of investigation by the police showing complicity of the petitioner herein and this is exactly what this Court had undertaken and upon a bare perusal of the case dairy, the complicity of the



petitioner in the alleged crime is writ large from the records.
Thus, there is no merit in the prayer of the petitioner for grant of
anticipatory bail.

The petition stands dismissed.

(Mohit Kumar Shah, J)

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