

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82541 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- BHARGAMA District- Araria

1. SHIBKANT DAS @ SHIVKANT DAS Son of Late Sufal Das Resident of Village - Naya Bhargama, Ketan Tola, Ward No. 3, P.S.- Bhargama, District- Araria
2. Nishikant Das @ Nisikant Das Son of Late Sufal Das Resident of Village - Naya Bhargama, Ketan Tola, Ward No. 3, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 18-09-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bhargama P.S. Case NO. 71 of 2019, disclosing offences under Sections 302,120B/34 of the Indian Penal Code.

It is alleged in the First Information Report that an amorous relationship between the informant's son and daughter of a co-accused was being objected to and not acceptable by certain persons. The informant had learnt that his son was kept in wrongful confinement by father of the said girl with his hands and fists tied around. When the informant reached at the said place, he found all the persons mercilessly assaulting his son. They did not pay any heed to the informant's request to release him. The



informant had to flee away and to take steps for rescuing his son. His son was, however, subsequently found dead.

On perusal of the First Information Report, it is evident that there is specific allegation of active participation of these petitioners in commission of the offence.

Considering the gravity of the offence and the law laid down by the Supreme Court in case of **Jai Prakash Singh Vs. State of Bihar** reported in **(2012) 4 SCC 379**, in my opinion it is not a fit case for grant of anticipatory bail.

This application is, accordingly, dismissed.

The petitioners are directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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