

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85151 of 2019**

Arising Out of PS. Case No.-266 Year-2017 Thana- LAKHISARAI District- Lakhisarai

AMIT KUMAR Son of Pawan Kumar @ Pawan Mandal Resident of Village - Pachna Road Kuil Basti, P.S.- Kabaiya, District - Lakhisarai, A/Present resident of village - Ratanpur, P.S.- Suryagarha, District - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 19-08-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Lakhisarai P.S.

Case No.266 of 2017 registered under Sections 302, 120B and
34 of the Indian Penal Code.

The informant, the father of the deceased, alleged that while he along with his family members were sitting in his house, three persons namely, Arun Kumar Yadav, Sippu Kumar and Amit Kumar(the petitioner) came and called Vishal Samrat, the son of the informant. They disclosed that Valmiki Yadav called him and on such, all the three persons including the petitioner took Vishal Samrat to the house of Valmiki Yadav. It is further stated that when the son of the informant did not return, the informant rang him but his son did not respond. On



02.07.2017, the police informed him that his son died.

The learned counsel for the petitioner submits that the only allegation against the petitioner is that the petitioner and two others namely, Arun Kumar Yadav and Sippu Kumar took Vishal Samrat to the house of Valmiki Yadav where Vishal Samrat was found died. There is no eye witness of the occurrence. It has come during the course of investigation that one bullet motorcycle was burnt and deceased along with his friends were awarded punishment by the villagers and they were directed to pay Rs.25,000/- each to the owner of the vehicle but deceased did not pay the amount and that is why he was frustrated. It is further submitted that nobody has seen the petitioner killing the deceased. It is submitted that the chargesheet has been submitted under Section 306 of the Indian Penal Code. The post-mortem report shows that deceased died of asphyxia caused by hanging but there is no evidence on record that the petitioner killed the deceased or compelled him to commit suicide. Similarly situated co-accused Raja Mandal @ Raja Don has been granted anticipatory bail by order dated 03.12.2018 passed in Cr. Misc. No.59411 of 2018 by a co-ordinate Bench of this Court but it appears that case of Raja Mandal is quite different from the case of the petitioner. Raja



Mandal is not named in the F.I.R. and his name surfaced in the case in the protest petition filed by the informant. It further appears that the informant and other family members disclosed that the petitioner and two others namely, Arun Kumar Yadav and Sippu Kumar took Vishal Samrat to the house of Valmiki Yadav and the dead body of Vishal Samrat was found inside the house of Valmiki Yadav. The anticipatory bail petitions of Sippu Kumar were twice rejected by a co-ordinate Bench of this Court by order dated 12.12.2018 and 16.10.2019. The case of the petitioner stands on the same footing.

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

(Prabhat Kumar Jha, J)

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