

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2549 of 2021

Arising Out of PS. Case No.-448 Year-2020 Thana- MAJHAULIA District- West Champaran

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Ankit Srivastava @ Ankit Raj @ Aryan Raj, aged about 20 years (Male), S/o Lal Babu Srivastava, R/o village Banuchhapar, P.S. Banuchhapar O.P. Muffasil, Bettiah, District West Champaran- 845438.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Surendra Kishore Thakur, Advocate
		Mr. Subodh Kumar, Advocate
For the State	:	Mr. Bal Mukund Prasad Sinha, APP
For the Informant	:	Mr. B.K. Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-04-2021 Heard Mr. Surendra Kishore Thakur, the learned counsel for the petitioner, Mr. Bal Mukund Prasad Sinha, the learned Additional P.P. and Mr. B.K. Pandey, the learned counsel appearing on behalf of the informant through video conferencing.

The petitioner apprehends his arrest in Majhauria P.S. Case No.448 of 2020, registered under Sections 302, 120(b) and 34 of the Indian Penal Code.

The informant, father of the deceased, disclosed that on 26.06.2020, Subhash Yadav, his son, went to the house of Lal Babu Srivastava and Ankit Srivastava, the petitioner, to hand over Rs.2,15,000/-, the consideration money for purchase of a



piece of land, but Subhash Yadav did not return. Subhash Yadav also informed on telephone that he was inside the house of Ankit Srivastava. Later on, Dharmendra Yadav informed that the bullet motorcycle of the deceased was kept in the police station. The informant identified the motorcycle. The motorcycle belonged to Rajeev Jha. The dead body was found by the side of canal.

Learned counsel for the petitioner submits that the informant is not an eye witness of the occurrence. The informant simply disclosed that his son had gone to the house of the petitioner to hand over the consideration amount for purchasing a piece of land and there is nothing to show that his son reached at the house of the petitioner and the petitioner killed the son of the informant with the help of others. No tangible material is collected during the course of investigation. The police on the basis of the information received from the informer arrested Sujeet Kumar and recorded his confessional statement in para 43 of the case diary. The confessional statement of Sujeet Kumar is exculpatory in nature and, therefore, the same is not admissible. There is no other tangible material to show the involvement of the petitioner in the alleged crime, but Mr. B.K. Pandey and Mr. Bal Mukund Prasad Sinha, the learned counsel



for the informant and the learned Additional P.P. vehemently opposed the prayer for anticipatory bail and submit that process under Sections 82 and 83 Cr.P.C. have already been completed and, therefore, in view of the law laid down by the Hon'ble Supreme Court in the case of State of M.P. vs. Pradeep Sharma, (2014) 2 SCC 171, the petitioner does not deserve anticipatory bail and the anticipatory bail is not maintainable. It is further submitted that besides these facts, there are ample material to show that the petitioner killed the son of the informant inside his hut and thereafter called Sujeet and others to dispose of the dead body of the deceased. The vehicle used in disposal of the dead body has already been recovered. Blood stain was also found on the pole situated inside the hut and these all facts indicate the manner and the place where the deceased was killed. The neck of the deceased was slit and many injuries said to have been caused by sharp edged weapon are found on the person of the deceased.

Having considered the facts and on perusal of the records, it appears that of course there is no eye witness of the occurrence, but there is circumstantial evidence to show that the deceased was killed inside the hut of the petitioner and thereafter his dead body was thrown by the side of the canal and



blood stain was also found inside the hut of the petitioner.

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

(Prabhat Kumar Jha, J)

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