

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25637 of 2022

Arising Out of PS. Case No.-357 Year-2019 Thana- BAHERA District- Darbhanga

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DURGESH JHA Son of Bhup Jha Resident of Village - Ramouli, P.s.- Bahera,
Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-10-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner apprehend his arrest in a case registered for
the offence punishable under sections 364 and 34 of the Indian
Penal Code.

Allegedly, the sister of the informant namely, Radha Devi
was called by the petitioner and from that day she went missing.
As per the information passed by children, the petitioner
alongwith other accused persons took away Radha Devi and
killed her and concealed the dead body under a criminal
conspiracy.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to dirty village



politics. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. There is no material evidence against the petitioner in the case diary. The occurrence took place on 06.07.2019 but the F.I.R. was lodged on 26.07.2019 without giving any explanation regarding the said delay. Petitioner has no criminal antecedent, which is also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail and submits that the victim is still traceless.

Having regard to the facts and circumstances of the case, since the victim is still traceless, I am not inclined to grant bail to the petitioner. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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