

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45002 of 2021**

Arising Out of PS. Case No.-11 Year-2021 Thana- DARBHANGA RAIL P.S. District-
Samastipur

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1. PRAMOD PANJIYAR Son of Jagarnath Panjiyar @ Baidhyanath Panjiyar Resident of Village - Maharajganj, Ward no.15, P.S.- Town, Distt.- Madhubani.
 2. ROHIT PANJIYAR @ ROHIT KUMAR Son of Pramod Panjiyar Resident of Village - Maharajganj, Ward no.15, P.S.- Town, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Kedar Jha, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, Advocate Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 29-08-2022 The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within one month.

Heard Mr. D.K. Sinha, the learned counsel for the petitioners as well as Mr. J. N. Thakur, the learned Additional Public Prosecutor for the State.

At the very outset, Mr. D.K. Sinha, the learned senior counsel for the petitioners has submitted that vide order dated 20.12.2021, this anticipatory bail petition with respect to petitioner no. 2 was dismissed as infructuous.



So far as petitioner no. 1 is concerned, he apprehends his arrest in connection with Darbhanga (Jainagar) P.S. Case No.11 of 2021 registered for offence punishable under section 302/34 of the Indian Penal Code.

The informant is father of deceased Suraj Kumar. On 28.02.2021 at about 8:00 P.M., the informant got an information by his daughter that on face book and in news, she came to know that the son of informant was hanged to death. The deceased was working as labourer of the petitioner, who is a businessman of salt. Petitioner no. 1 did not pay his wages and assured to purchase a piece of land in his favour in lieu of the wages. On 27.02.2021, when the deceased went to demand his wages, petitioner no. 1 assaulted him and snatched his mobile set and also threatened to kill had he dared to demand his wages in future. The informant has expressed his firm belief that the petitioners have committed murder of the deceased.

The learned counsel for the petitioners has submitted that petitioners were performing labourership in their shop. There was no dispute between the informant and the deceased. He has also submitted that the sister of the deceased during the course of investigation had stated that the deceased had relation with one Manisha Kumari.



On the other hand, Mr. J. N. Thakur, the learned APP has submitted that petitioner no. 2, who is son of petitioner no. 1 has furnished a vivid description of murder of the deceased in his self inculpatory confessional statement contained in paragraph 201 of the case diary before the police in which the entire occurrence of murder of the deceased has vividly been described. The learned APP has also stated that the mother of the deceased had stated that the deceased before his death contacted her on telephone and apprised that the petitioner and his son were assaulting, to which the learned counsel for the petitioners replies that the CDR does not show the conversation between the deceased and his mother. The learned counsel for the informant has submitted that the petitioners were also involved in Madhubani Nagar P.S. Case No. 96 of 2021 and that case was lodged in March, 2021 prior to filing the present anticipatory bail petition which has not been disclosed in paragraph of the bail petition.

Considering above-mentioned facts and circumstances as well as the confessional statement of co-accused, I do not find it to be a fit case for anticipatory bail. Accordingly it is rejected.

Office shall ensure that all defects are removed by the



petitioner within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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