

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68815 of 2021**

Arising Out of PS. Case No.-438 Year-2015 Thana- KANKARBAG District- Patna

ASHOK KUMAR SINGH @ ASHOK KUMAR SINHA Son of Late
Bachchu Singh Resident of Village - Tajpur, P.S.- Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishnu Kant Dubey,Advocate

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

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

4 22-08-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 302 and 34 of the Indian Penal Code.

As per the prosecution case, while the informant returned after taking milk from the shop, she saw that her brother-in-law (petitioner) hastily coming out from the house and when she entered in the house, she found her son Shubham Kumar @ Vikash hanging with fan. The informant suspects that this petitioner and co-accused Aditya Kumar killed her son by hanging.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case due to personal grudge and enmity. Police after investigation has submitted chargesheet



under Section 306/34 of the I.P.C. against other co-accused. During investigation, none of the witnesses has supported the prosecution case and only on suspicion, this petitioner has been made accused. It is further submitted that in the month of January, 2021, when I.O. of the case came to the house of petitioner, then petitioner came to know about the present case and as such, after lapse of five years, he has moved the application for grant of bail.

However, learned A.P.P. for the State opposed the bail petition and submitted that petitioner is named in the F.I.R. and there is specific allegation against this petitioner that he was seen moving out of the house immediately after the incident and informant is eye-witness of the occurrence.

Considering the nature of accusation and the fact that petitioner has moved the application after lapse of more than five years of the occurrence, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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