

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35971 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- AMNAUR District- Saran

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BRIJ KUMAR S/O LATE RAM DARESH RAI R/O VILLAGE-
CHAINPUR, P.S- AMNOUR, DISTT.- SARAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Binod Kumar Yadav S/o- Late Krishna Ray Village- Dorlahi Kaithal Nara
Ps- Amnour Dist- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendar Prasad Yadav
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 13-12-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State Mr. Chandra Bhushan Prasad and the learned
counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in connection
with Amnour P.S. Case No.98/2023, registered for the offences
punishable under sections 498(A), 363 and 34 of the Indian
Penal Code.
3. The Superintendent of Police, Saran at Chapra
along with the S.H.O. and I.O. of the case are present in the
Court, in compliance of the order dated 11.11.2024.
4. The case was taken up on 11.11.2024, when it was
directed that in the event, if the victim is not recovered on or



before 12.12.2024, in that event, the aforesaid officers shall remain physically present before this Court on the next date i.e. 13.12.2024.

5. Today, when the case is taken up, the learned APP submits that the victim has already died and this fact was in knowledge of the informant and the petitioner both. It is next submitted that the informant got his statement recorded under section 164 Cr.P.C., wherein he has stated that the victim died at her parental home, and thereafter, the body was cremated in presence of the family members.

6. It absolutely does not stand to reason that if the informant was aware that his daughter had died then why he instituted the present false case. It is equally surprising that even the petitioner did not plead in his anticipatory bail application about the death of the victim, when the petitioner in his statement recorded under section 164 Cr.P.C. has accepted that he was aware about the death of the victim. On query of the court from the petitioner that as to when he came to know about the death of the victim, he submits that after her body was cremated, and thereafter, he even talked to the informant for compromising the case.

7. It appears to the court that the informant for some



ulterior reason, got his statement recorded under section 164 Cr.P.C., in order to give clean chit to the petitioner.

8. Since the investigation against the petitioner still is continuing, as such, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

9. The anticipatory bail application of the petitioner is rejected.

10. The Superintendent of Police, Saran at Chapra is directed to investigate the informant also and if it is found that informant for some ulterior reason has compromised the case, in that event, appropriate action, in accordance with law, be initiated against him.

11. The personal appearance of the Superintendent of Police, Saran at Chapra along with the S.H.O. and I.O. of the case is dispensed with.

(Satyavrat Verma, J)

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