

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65262 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Anil Paswan @ Anil Kumar Paswan Son Of Late Rajgeer Paswan @ Late Rajgir Paswan Village- Malhipur, Po- Shaligrami, Ps- Sahebpur Kamal, Dist- Begusarai
 2. Karan Paswan @ Karn Kumar @ Karan Kumar Son Of Anil Paswan @ Anil Kumar Paswan Village- Malhipur, Po- Shaligrami, Ps- Sahebpur Kamal, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in Sahebpur Kamal P.S. Case No. 102 of 2023 registered for the offences punishable under Sections 364, 120(B), 302, 201 of the Indian Penal Code pending in the Court of learned Additional Chief Judicial Magistrate-IV, Begusarai.

3. The prosecution story, in brief, is that informant's son, namely, Sajan Kumar was kidnapped by local accused persons. He was beaten to death and his dead body was found near Chamantol Bahiyar on the next day. Informant



believed that the petitioners and other accused persons murdered his son.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioner no. 1 was posted as constable in at Chandi Police Station in the District-Nalanda on the date of occurrence. He submits that there is no eye-witness in the present case only on the basis of suspicion petitioners and other co-accused persons are made accused in the present case. He further submits that the petitioners have animosity with the informant due to land dispute. He further submits that one of the co-accused has been granted anticipatory bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 68509 of 2023. He also submits that the deceased was in close contact with Juli Kumari for last two years and it has been also divulged in the investigation and it has been also made clear that the call was made from mobile No. 7209383222 which is registered in the name of Jyotish Kumar, who is maternal uncle of Juli Kumari. The petitioners have no criminal antecedent as mentioned in para-3 of this application.



5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submitted that the deceased had love affair with the daughter of the petitioner no. 1, namely, Ruchi Kumari, due to this reason the petitioners and other co-accused persons have killed the deceased after kidnapping.

6. Considering the facts and circumstances of case, arguments of the parties and perusal of the records, it is clear fact that petitioner no. 1 is made accused for offence under Section 302 of IPC but the police has not taken any action against petitioner no. 1 because he was working in Police Department, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

(Anjani Kumar Sharan, J)

anand/-

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