

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81903 of 2024

Arising Out of PS. Case No.-107 Year-2002 Thana- KOILWAR District- Bhojpur

Vishnu Shankar Thakur, Son of Baban Thakur, Resident of Village- Belghat, P.S.- Ara (Muffasil), District- Bhojpur at present C/o- Bal Krishna Pahalwan Resident of Ward no. 1, Amar Nagar, MIDC, Ps- Nildoh (Hingna) Ind, Area Dist Nagpur Maharastra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bacchan Ji Ojha, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Koilwar P.S. Case No. 107 of 2002 registered for the offence punishable under Section 304/34 of the Indian Penal Code.

3. Based on the written report, the prosecution alleges that the father of the informant resided in village Kayam Nagar along with his wife, who is said to be step mother of the informant and the petitioner is the cousin brother of the informant was also residing in the house. It is further alleged that on account of some illicit relation between the wife of the deceased with the petitioner, both of them pushed the father of



the informant due to which he fell from stairs and sustained injury leading to his death.

4. Learned counsel for the petitioner contended that it was a case of accidental death but due to enmity with step mother, the informant lodged this case against his mother and the petitioner also. The petitioner is aged person and suffering from various ailment, apart from severe head injury, for which he was under treatment in Lata Mangeshwar Hospital, Nagpur since 2011 to 2020. Due to the illness and lack of knowledge, the petitioner could not take the shelter of the Court, is the contention of the learned counsel for the petitioner. It is lastly contended that be that as it may, the matter has already been compromised between the parties.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioner is named accused and he has been evading his arrest for the last two decades.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been evading his arrest for the last twenty years, this Court is not acceded to the prayer for grant the petitioner on anticipatory bail. Accordingly, his prayer is rejected.



7. However, if the petitioner surrenders before the court below within a period of four weeks from today and seeks regular bail, the same shall be considered on its own merit without being prejudiced in any manner by the present order.

(Harish Kumar, J)

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