

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54404 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- CHAUTHAM District- Khagaria

BISHUNDEO TANTI @ VISHUNDEV TANTI SON OF LATE JAGRUP
TANTI RESIDENT OF VILLAGE - BARI TELAUNCHH, P.S. -
CHAUTHAM, DISTRICT - KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP
For the informant : Mr. Gaurav Kumar, Adv.
Mr. Kumari Archana, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 31-01-2025 Heard learned counsel for the petitioner, State and
the informant.

2. The petitioner apprehends his arrest in connection
with Chautham P.S. Case No. 32 of 2024 for the offence
registered under sections 302, 120B, 34 of the IPC lodged on
07.02.2024 by the informant Ganpat Yadav.

3. As per the prosecution story, the informant alleged
that his brother was doing his professional work under
Muneshwar Tanti on a salary of Rs. 15,000/- but the payments
were not made for the last two months. Upon demand to clear
the dues, hot exchange had taken place whereafter on
05.02.2024, the accused persons connived and killed. The dead



body was found in a garden, which led to the FIR.

4. Learned counsel for the petitioner submits that he is an old person, only on the basis of earlier hot altercation with the deceased, he got implicated. Save and except that, there is no eye-witness to the said occurrence. He further submits that the FIR has been lodged after two days.

5. In this case, the informant has appeared through its counsel and the case diary is also on record.

6. Learned counsel appearing for the informant has taken this Court to paragraph-62 to show that the CDR location of all the accused persons were nearer to the place of occurrence. He further submits that in the FIR itself, it has been recorded that after the body was recovered, postmortem conducted, funeral took place whereafter, the case was lodged and as such, the delay is justified.

7. Learned counsel for the petitioner submits that the location of CDR cannot implicate him as his home is also nearer to it.

8. Having gone through the facts of the case and the submission of the parties and especially taking into account para 62 of the case diary which clearly reflects that all the accused persons were present at the place of occurrence as per the CDR,



merely because the home is nearer to the place of occurrence cannot be an alibi in a case of anticipatory bail.

9. In that background, the petitioner is not entitled to any relief.

10. Accordingly, the anticipatory bail petition stands rejected.

(Rajiv Roy, J)

Vijay Singh/-

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