

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82945 of 2024**

Arising Out of PS. Case No.-286 Year-2014 Thana- MUFFASIL District- Aurangabad

Raj Kumar Singh S/o Parikha Singh R/o vill - Jasoiya, P.S. - Aurangabad (T),
Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr.Adv. Mr.Bhaskar Shankar
For the Opposite Party/s	:	Mrs.Sharda Kumari

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

3 30-01-2025 Heard learned senior counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner apprehends his arrest in Aurangabad (M) P.S. Case No. 286 of 2014, registered for offence under Sections 364, 364(A), 365/34 of the Indian Penal Code and later on, Section 302 of the Indian Penal Code was added.

3. As per prosecution case, on 18.09.2014 at about 6 PM, while the husband of informant was at home with other persons, this petitioner alongwith other two accused persons came there and insisted him to accompany them for dinner, whereupon, husband of informant proceeded with them with his bag, as he was to go to Ahmedabad by *Parasnath Express* on that night itself. It is further alleged that on 20.09.2014, the informant received a telephonic information from Ahmedabad that her husband did not reach Ahmedabad, then she inquired



from the accused persons, but she did not get any satisfactory reply from them and she also came to know that her husband has not boarded said train on that night. The informant suspects that the accused persons, named in the F.I.R. including petitioner, have kidnapped her husband, as her husband was carrying cash of Rs. Two lacs in his bag.

4. Learned senior counsel for the petitioner submits that petitioner is innocent and has committed no offence. The date of occurrence is 18.09.2014, whereas complaint has been lodged belatedly on 10.10.2014, which was sent to police under Section 156(3) of the Cr.P.C. and thereafter, F.I.R. was registered on 05.11.2014, but there is no plausible explanation of delay. He further submits that after recovery of the dead-body on 23.09.2014 at Obra, Adri river, an U.D. Case No. 06 of 2014 was registered against unknown. During course of investigation, the Belai Panchayat Mukhiya also filed an application before the concerned S.H.O. stating therein that petitioner and other co-accused persons have got no concern with the death of deceased, since the deceased has died due to drowning. The aforesaid fact has also been supported by brother of deceased. The petitioner is victim of circumstances and has got clean antecedent.



5. However, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that petitioner is named in the F.I.R. with specific accusation that he alongwith other co-accused persons took away husband of informant and thereafter, his dead-body was found in the river. In the post-mortem report also, the doctor has opined that “Cause of death is Asphyxia due to drowning”.

6. Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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