

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50576 of 2014

Arising Out of PS.Case No. -102 Year- 2014 Thana -RIVILGANJ District- SARAN

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1. Lal Saheb Singh Son of Late Ram Layak Singh
2. Ram Binod Singh Son of Late Ram Layak Singh
3. Ramanuj Singh Son of Late Ram Layak Singh
4. Umesh Singh Son of Late Ram Layak Singh
5. Suresh Singh @ Suresh Kumar Singh Son of Late Ram Layak Singh
All residents of village - Nayka Baiju Tola, P.S. - Revilganj, District - Saran
at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Ajay Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 16-07-2015 Heard the Counsels for the petitioners, the informant and
the State.

Five petitioners herein are brothers and seek bail in
Revilganj P.S. Case No. 102 of 2014 registered under Sections
302 and 376 of the Indian Penal Code against unknown lodged by
the brother of the deceased who was a minor girl.

In course of investigation, it has come that the deceased had
gone to the house of the petitioners and thereafter to some other
house but was followed by the son of petitioner no. 1. Finding her
alone, she was dragged, raped and killed inasmuch as her face was
defaced. Petitioners being the family members are said to have
actively participated in concealing the offence and disposing of the

dead body. Learned Counsel submits that from the material collected during investigation, at best, it may be a case under section 201 IPC. The petitioners are agnates and on inimical terms. Petitioner no. 1 is aged about 80 years.

Learned counsel for the State and the informant, on the other hand, opposed the prayer for bail and submitted that the offence was committed in a gruesome manner and from the material collected in course of investigation it does appear that the petitioners had role to play in the commission of the crime inasmuch as in disposing of the dead body in a manner that she could not be identified.

Considering the submissions of the parties, in my view, the petitioners, except petitioner no. 1, do not deserve the privilege of anticipatory bail. The entire look of the case is such which persuade the petitioners not to privilege them with anticipatory bail. Their prayer for bail is, accordingly, rejected. They may surrender and seek bail in the Court below

In so far as petitioner no. 1 namely Lal Saheb Singh is concerned, who is said to be 80 years old and is ailing person, in the event of arrest or surrender in the Court below within four weeks, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the

like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in Revilganj P.S. Case No. 102 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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