

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46132 of 2015

Arising Out of PS.Case No. -201 Year- 2015 Thana -BIHPUR District- BHAGALPUR

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1. Sanjay Kumar Singh @ Sanjay Kumar
2. Prakash Singh,
3. Manoj Kumar Singh @ Manoj,
All are sons of Late Swarup Lal Singh, Resident of Village - Auliyabad,
P.S. - Bihpur (Jhandapur), District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. D.P. Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 14-10-2015

Heard Sri Ranjan Kumar Jha, learned counsel for the
petitioners and Sri D.P. Tiwary, learned A.P.P.

Three petitioners, apprehending their arrest in
connection with Bihpur (Jhandapur) P.S. Case No. 201 of 2015
registered for the offence punishable under Sections 302, 201
and 120(B) of the Indian Penal Code, have prayed for grant of
anticipatory bail.

Learned counsel for the petitioners submits that on
perusal of the F.I.R. itself it is evident that a U.D. case was
registered earlier regarding the death of the daughter of the
informant due to fall from a running train. He submits that on
perusal of the F.I.R. itself it is evident that only on suspicion



petitioners have been made accused. He further submits that the informant is Sarhu of petitioner no. 2. He submits that from the F.I.R. it is evident that since last 12 years the deceased daughter of the informant was living with petitioner no. 2 and she was studying there. It has also been indicated in the F.I.R. that deceased was a student of Intermediate IInd year and she was attending coaching and computer course at Naugachiya. By way of referring to Annexure – ‘2’ it has been argued that in respect of death of the daughter of the informant, on the basis of the statement of petitioner no. 1 a U.D. case was registered. He has also submitted that in the U.D. Case inquest report was prepared and in the inquest report it was categorically indicated that death had occurred due to fall from running train. This has been corroborated in the post mortem examination report. In view of the facts and circumstances it has been argued that it is a case of false implication and as such, a prayer is being made for extending the privilege of anticipatory bail.

Learned A.P.P. has opposed the prayer of anticipatory bail.

However, keeping in view the facts and circumstances particularly the facts disclosed in the F.I.R., the court is of the opinion that petitioners are entitled to be enlarged on bail till the

completion of investigation in the present case. It has been accepted by learned counsel for the petitioners that investigation is still continuing.

Accordingly, in the event of arrest or surrender within a period of eight weeks from today, let the petitioners namely, Sanjay Kumar Singh @ Sanjay Kumar, Prakash Singh and Manoj Kumar Singh @ Manoj be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Naugachiya, District- Bhagalpur in connection with Bihpur (Jhandapur) P.S. Case No. 201 of 2015 under the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure, with an indication that the petitioners shall remain on anticipatory bail during the investigation of the case only. If charge sheet is submitted against the petitioners, they shall surrender before the court below and make a prayer for regular bail. If after submission of charge sheet, the petitioners appear before the court below and make a prayer for regular bail, the learned court below may examine the same on the basis of materials available on record itself in accordance with law.

(Rakesh Kumar, J)

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