

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43708 of 2017

Arising Out of PS.Case No. -133 Year- 2017 Thana -PANCHRUKHI District- SIWAN

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1. Kailash Rai @ Kailash Ram, Son of Late Yamuna Rai,
2. Manoj Kumar, Son of Chakai Ram, Both residents of Village- Sahlaur,
Police Station- Sahayak Sarai O.P. (Pachrukhi), District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 14-09-2017 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Pachrukhi (Sarai) Police Station Case No. 133 of 2017, disclosing offences under Sections 302, 420, 406, 423, 465, 467, 468 and 120B of the Indian Penal Code.

Learned counsel for the petitioners has submitted the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact, the occurrence took place on 04.04.2017 whereas the complaint instead of F.I.R. has been lodged after lapse of one and half months without explaining the plausible delay, which itself creates doubt over the prosecution version. Moreover, there is no eye witness to the



alleged occurrence and these petitioners have been made accused in this merely on the basis of suspicion. Hence, the petitioners, who are of clean antecedent, deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Siwan in connection with Pachrukhi (Sarai) Police Station Case No. 133 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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