

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1652 of 2018

Arising Out of PS.Case No. -28 Year- 2014 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sonu Tiwari, S/o Harendra Tiwari @ Rishimuni Tiwari,
 2. Harendra Tiwari @ Rishimuni Tiwari, S/o Late Chandrika Tiwari,
 3. Lalita Devi W/o Sonu Tiwari, All are R/o village- Sangrampur, Barai Tola, P.S.- Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Sri Upendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 11-01-2018

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case as per the written report of the informant, Pankaj Kumar, is to the effect that the informant used to work as labour at Raxaul. On 10.03.2014 he contacted his mother through phone but his father Mantosh Tiwari picked the phone and said that his mother is not at home and hence, he should talk her tomorrow. Thereafter, the



informant rang up on next day but he could not talk. Thereafter, the informant tried to contact but failed. On 14.03.2014 the informant came to know that his mother has been killed and the informant came to his house when he came to know from the villagers that the mother has been killed on 10.03.2014 and the dead body has been concealed. In course of enquiry about the mother, the petitioners being the agnates of the informant threatened the informant to the extent that if he dared to register a case, he would meet the same fate.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant and, in fact, the informant has maliciously lodged the present case against the petitioners. The mother of the informant committed suicide due to the quarrel with her husband i.e. the father of the informant and the father of the informant disposed of the dead body, but informant in order to save his father has maliciously named these petitioners in the FIR but subsequently the name of the father of the informant sprang up during investigation and police has submitted final report (charge sheet) against the father of the informant and kept the investigation pending against the petitioners. From the accusation levelled in the FIR, it appears that the father, for the



first time informed the informant that his mother had gone somewhere and that is why she could not contact.

Considering the nature of accusation particularly the fact that the father of the informant has been charge sheeted by the police and the accusation is not specific against the petitioners, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-14th, Motihari in connection with Sangrampur P.S. Case No. 28 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

