

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22617 of 2018

Arising Out of PS.Case No. -424 Year- 2017 Thana -CHAPRA MUFFASIL District- SARAN

- =====
1. Sawalia Parvat, S/o Sarvadeo Parvat,
 2. Niraj Parvat @ Niraj Kumar S/o Raj Kishore Parvat,
 3. Anuj Parvat @ Anuj Kumar S/o Raj Kishore Parvat,
 4. Bijesh Parvat @ Bijesh Parbat @ Brajesh Kumar Parbat @ Beijesh Parvat S/o Sawalia Parvat, null
 5. Ambika Parvat S/o Ram Prabesh Parvat, All R/o Vill.- Lohari, P.O.- Gurkul Mehian, P.S.- Chapra Muffasil, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Sri Lalan Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 02-05-2018 Heard learned counsel for the petitioners and learned counsel for the State as well as the informant.

The petitioners seek anticipatory bail in a case instituted for the offences under Sections 302/34 of the Indian Penal Code.

In the First Information Report it has been alleged that wife of the informant has gone to attend the call of natural. There Umesh Parvat, S/o Sardev Parvat teased her, she returned to the house and narrated the incident to the family members where upon father of the informant has given two slaps. It has further been alleged that at about 8.30 PM in the night the



accused persons including the petitioners have raided the house of the informant and mercilessly assaulted the deceased. The informant and family members tried to rescue the victim but failed to save him and ultimately the victim died.

Learned counsel for the petitioners submits that there is no specific allegation against the petitioners, inasmuch as all the villagers have filed an application of false implication of the petitioners. He has further submitted that petitioner no.2 and 3, namely, Niraj Parvat @ Niraj and Anuj Parvat @ Anuj Kumar are minors as their date of birth is 12.08.2001 and both of them are twin.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner nos. 2 and 3, namely, Niraj Parvat @ Niraj Kumar and Anuj Parvat @ Anuj Kumar, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Chapra in connection with Chapra Muffasil P.S. Case No.424 of 2017, G.R. No. 9448 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. It is made clear that if the petitioners will not co-operate during course of



investigation and join for interrogation the police will be at liberty to file an application for cancellation of bail.

With respect to petitioner nos. 1, 4 and 5, namely, Sawalia Parvat, Bijesh Parvat @ Bijesh Kumar Parbat @ Brajesh Kumar Parbat @ Brijesh Parvat, and Ambika Parvat, this Court is not inclined to enlarge them on anticipatory bail. Accordingly their prayer for bail is rejected. However, if the aforesaid petitioners surrender before the court below within a period of four weeks from today, the court below will pass an order on its own merit without being prejudiced by the order passed by this Court.

(Shivaji Pandey, J)

Vinay/-

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

