

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56748 of 2018

Arising Out of PS. Case No.-94 Year-2018 Thana- BAJPATTI District- Sitamarhi

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1. Abhilasha Singh, W/o Dilip Singh,
2. Prashant Kumar @ Mannu Singh @ Prashant Singh S/o Dilip Singh, Both R/o Bangaon, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 61209 of 2018

Arising Out of PS. Case No.-94 Year-2018 Thana- BAJPATTI District- Sitamarhi

Dilip Singh @ Dilip Kumar Singh, Son of Late Dineshwar Singh, R/o Village- Bangaon, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 56748 of 2018)

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

(In Criminal Miscellaneous No. 61209 of 2018)

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-11-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302/201/120B of the Indian Penal Code.

The husband of the informant died in Nepal. He met with a suicidal death. The post mortem report at Annexure-4



would reveal that the doctor found no external injury and only legature mark at the neck. The dead body was found hanging with a tree. On hearing this news the younger brother of the deceased went to Nepal and he lodged a UD case on 21.04.2018 raising suspicion against no one. Thereafter, they returned along with the dead body to their hometown in the district of Sitamarhi. They blocked the road traffic along with others to lodge a case against the petitioners. On that the Circle Officer lodged Bajpatti P.S. Case No.93 of 2018 on 21.04.2018 against the villagers regarding obstruction in discharge of official duty.

Thereafter, the present case was lodged on 22.04.2018 with allegation that husband of the informant was Bataidar of the petitioners and for some dispute regarding non-continuation of the husband of the informant as Bataidar and insistence by the informant to continue as Bataidar, allegation is that the petitioners bitterly assaulted to the husband of the informant and thereafter he was found missing.

Submission is that entire allegation is apparently false in view of the material collected during investigation that the doctor did not find any external injury on the person of the deceased nor the younger brother of the deceased raised any suspicion against anyone at the time of lodging the UD Case.



Considering the entire facts aforesaid, which gives rise to suspicion in the statement of the prosecution for the purpose of consideration of the prayer for anticipatory bail, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Bajpatti Police Station Case No.94 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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