

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23745 of 2018

Arising Out of PS.Case No. -286 Year- 2015 Thana -BEGUSARAI TOWN District- BEGUSARAI

- =====
1. Ram Binay Singh,
 2. Mantun Singh, Both sons of Late Lakhan Singh, Resident of Mohalla-
Mirzapur Banduar, P.S.- Begusarai Town, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER**

02/ 26-04-2018

Heard Mr. Ashok Kumar, learned counsel for

the petitioners, Mr. Ashok Kumar, learned counsel for the
informant and Mr. Anil Kumar Singh, learned APP for the State.

The petitioners are apprehending their arrest
in a case registered for the offences punishable under Sections
302, 201, 120B/34 of the Indian Penal Code, wherein besides
these sections cognizance has also been taken for offence under
Section 27 of the Arms Act.

The prosecution case got initiated with the



written report of Sandeep Kumar submitted to the Station House Officer, Begusarai P.S., to the effect that on 13.06.2015 at 11.00 P.M. in the night the informant and his family members were talking in the courtyard, in the meantime, the petitioners Muntun Singh and Ram Binay Singh came and they called the brother of the informant, Manish Kumar @ Chhotu, and despite being resisted by the informant they pressurized to allow Chhotu to go with them for an hour also and the brother of the informant went with them but thereafter the brother of the informant did not return. On next day, in the morning, the informant went to enquire from the petitioners but they did not give any reply, but the informant found traces of blood near the house of the petitioners and thereafter the dead body of the brother of the informant, Manish was found near the grocery shop of Kirandeo Singh. It is further alleged that since the victim was in love affair with the daughter of Ram Binay Singh, hence, he has been killed by the accused persons.

It is submitted by learned counsel for the petitioner that at best the FIR suggests the accusation on the basis of last seen but on conclusion of the investigation petitioners were not sent up for trial but differing with the final report the learned Chief Judicial Magistrate took cognizance



under Sections 302, 201 of the Indian Penal Code and 27 of the Arms Act and issued processes against the petitioners also. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the informant that the brother of the informant was having illicit relation with the daughter of petitioner no. 1 Ram Binay Singh, hence, he took the victim from his house and kill him. During investigation many incriminating materials have been collected to suggest the complicity of the petitioners.

Learned APP, however, submits that, though, the petitioners were not sent up for trial, but differing with the investigation final report learned Chief Judicial Magistrate has taken cognizance of the offence against these petitioners also.

Considering the fact that the accusation in the FIR is based on circumstantial evidence, however, on conclusion of investigation the petitioners were not sent up for trial but differing with the final report cognizance has been taken coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, 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 Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 286 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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