

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25027 of 2018

Arising Out of PS.Case No. -89 Year- 2016 Thana -FATUHA District- PATNA

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1. Baleshwar Prasad @ Baleshwar Roy, S/o Late Dev Lagan Prasad,
2. Viru Kumar
3. Mukesh Kumar
4. Vikash Kumar @ Vikash

All Sons of Baleshwar Prasad @ Baleshwar Roy,
All R/o Vill.- Nathupur, P.S.- Fatuha, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar Singh 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-06-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Fatuha P.S.**
Case No. 89 of 2016 instituted for the offence under Sections 302,
201, 447, 448, 341, 323 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
son of the informant died due to accident with Tempo and his
dead body was recovered underneath the Tempo. The informant
has merely raised suspicion against the petitioners. The informant
and the petitioners are relatives. It has further been submitted that
compromise petition has also been filed in the court below which



has been enclosed as Annexure-3.

In the written report it is alleged that son of the informant had gone to his Sasural on 3.3.2016 to take his wife and he did not return. The informant learnt in the evening on 3.3.2016 that one tempo has met with an accident and is lying near railway line. The informant went at the place of occurrence along with the villagers and found the dead body of his son underneath the Tempo. The informant has raised suspicion in the written report against the petitioners of committing murder of his son.

Case diary has been received.

The learned A.P.P. has submitted that mere suspicion has been raised by the witnesses in the case diary against the petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Fatuha P.S. Case No. 89 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **Mrs. Jami Jamal, learned Judicial Magistrate 1st Class, Patna City**, subject to the conditions as laid down under Section 438 (2) Cr.



P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

S.Ali/-
Rohit Kr.

(Sanjay Priya, J)

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