

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.21065 of 2018**

Arising Out of PS. Case No.-109 Year-2017 Thana- RAJPUR District- East Champaran

1. Raja Ram, Son of Late Narayan Ram,
2. Kamlesh Kumar, Son of Mahendra Ram, Both resident of Village- Ismaila, Police station- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

**Criminal Miscellaneous No. 21067 of 2018**

Arising Out of PS. Case No.-109 Year-2017 Thana- RAJPUR District- East Champaran

1. Manoj Ram @ Manoj Kumar, Son of Raja Ram,
2. Champa Devi, Wife of Raja Ram, Both Resident of village- Ismaila, Police Station- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

(In Criminal Miscellaneous No. 21065 of 2018)

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Smt. Sangeeta Sharma

(In Criminal Miscellaneous No. 21067 of 2018)

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL ORDER**

3     15-05-2018                      Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Rajepur P.S. Case No. 109 of 2017 instituted for the offence under Sections 364,307,302,328,120(B),504,506,201,34 of the IPC.

Learned counsel for the petitioners submits that occurrence is said to have taken place on 16.05.2017 and



complaint was lodged on 28.07.2017.

In the complaint petition complainant has alleged that petitioners of Cr. Misc. No. 21065 of 2018 took the son of the informant namely Pappu Kumar aged 17 years and committed murder by administering injection of poison, due to which son of informant died.

The informant has further alleged that when her son did not return after going with these petitioners, she learnt from villagers that both these petitioners are keeping her son on a cot. She reached at the place of occurrence and saw that her son was lying unconscious on the cot and all the petitioners were present there. The son of informant gradually lost his sense and subsequently he was declared dead.

There is specific allegation against petitioners of Cr. Misc. No. 21065 of 2018. Hence, this Court is not inclined to grant anticipatory bail to the petitioners of Cr. Misc. No. 21065 of 2018.

Accordingly, anticipatory bail petition of petitioners of Cr. Misc. No. 21065 of 2018 is rejected.

The petitioner no. 2 of the Cr. Misc. No. 21067 of 2018 has already been arrested. His anticipatory bail petition has been withdrawn. There is no specific allegation of overt act against petitioner no. 1 of Cr. Misc. No. 21067 of 2018.



In such circumstances, prayer for anticipatory bail of petitioner no. 1 of Cr.Misc. No. 21067 of 2018 is allowed and it is ordered that the petitioner no. 1 of Cr. Misc. No. 21067 of 2018, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Rajepur P.S. Case No. 109 of 2017 to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sadar, East Champaran at Motihari, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the petitioner tampers 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 petitioner.

**(Sanjay Priya, J)**

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