

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14368 of 2019

Arising Out of PS. Case No.-139 Year-2011 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. RAVINDRA SINGH, aged about 48 years, Male, son of Late Awadh Singh, Resident of Village- Singashani, P.S.- Ramgarhwa, District- East Champaran
 2. Sarv Deo Singh, aged about 66 years, Male, Son of Late Awadh Singh, Resident of Village- Singashani, P.S.- Ramgarhwa, District- East Champaran
 3. Arvind Singh, aged about 51 years, Male, Son of Late Awadh Singh, Resident of Village- Singashani, P.S.- Ramgarhwa, District- East Champaran
 4. Vir Samser Singh, aged about 42 years, Male, Son of Late Awadh Singh, Resident of Village- Singashani, P.S.- Ramgarhwa, District- East Champaran
 5. Ram Vinay Singh, aged about 42 years, Male, Son of Late Awadh Singh, Resident of Village- Singashani, P.S.- Ramgarhwa, District- East Champaran
 6. Mayand Pushkar, aged about 27 years, Male, Son of SarvDeo Singh, Resident of Village- Singashani, P.S.- Ramgarhwa, District- East Champaran

... Petitioners

Versus

1. The State of Bihar
2. Shambhu Sah, aged about 60 years, Male, Son of Late Nand Sah, Resident of Village- Singashani, P.S.- Ramgarhwa, District- East- Champaran

... Opposite Parties

Appearance :

For the Petitioners : Mr. Ram Adya Singh, Adv.

For the Opposite Parties : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 26-08-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Complaint Case No. 139-C of 2011 (Tr. No. 2805 of 2018) for the offences alleged under Sections 323, 302, 307, 328 and 120B of the Indian Penal Code.

The accusation is that Rajesh Kumar, son of the



complainant/opposite party no. 2, Shambhu Sah, had gone to attend the call of nature in the evening on 24.03.2011, six persons, named in the complaint petition along with the petitioners were seen moving towards the said direction. On suspicion, the complainant/opposite party no. 2 moved to that direction and saw that his son was being carried by the petitioners, then, made protest on which petitioners told that they are sending his son for carrying petrol, but, till late night his son did not return. At about 09.00 p.m., petitioner no. 2, Sarv Deo Singh, made query about his son, then, he became suspicious and on the next day in the morning rumour spread about lying of a dead body. The informant reached there and saw the dead bodies of Suruchi Kumari, daughter of petitioner no. 2, and his son. Informant, further, alleged that due to love affairs in between his son, Rajesh Kumar, and Suruchi Kumari, petitioner no. 2 eliminated both persons by administering poison.

Learned counsel appearing for the petitioners submits that in fact there was love affairs in between Suruchi Kumari, the daughter of petitioner no. 2, and son of the informant, but, the families of the complainant/opposite party no. 2 and petitioner no. 2 were not ready to settle their marriage, due to



that reason both committed suicide by consuming poison in the field for which Ramgarwa None FIR Case No. 2 of 2011 was registered on 25.03.2011 on the basis of the statement of complainant/opposite party no. 2 on which Bhagwat Sah, Raja Ram Sah, Ramashish Prasad and Sona Lal Sah also put their signature as witnesses, but, with ulterior motive the he lodged the present complaint case after fourteen days.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, the provisional anticipatory bail, vide order, dated 08.03.2019, granted to the petitioners, above named, in connection with Complaint Case No. 139-C of 2011 (Tr. No. 2805 of 2018) to the satisfaction of the Subdivisional Judicial Magistrate, Raxaul at Motihari, is hereby confirmed.

(Rajendra Kumar Mishra, J)

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