

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22454 of 2019**

Arising Out of PS. Case No.-4 Year-2014 Thana- SIMRA District- Aurangabad

1. Santlal Ram, S/o Late Tetar Ram R/o village- Hadia, P.S.- Amba, District- Aurangabad
2. Sita Kumari, W/o Santlal Ram R/o village- Hadia, P.S.- Amba, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

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

2      09-04-2019                      Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Surendra Ram, recorded by Sanjay Kumar Yadav, S.H.O., Simra Police Station on 25.04.2014 is to the effect that one Pintu Kumar, brother-in-law of the informant came to attend the Tilak and marriage ceremony of Ranjeet, which were scheduled to be held on 16.04.2014 and 21.04.2014, respectively. On 24/25.04.2014 in the night, said Pintu Kumar and one Deeptak Kumar, being



the son of the informant were sleeping on the roof of the brother of the informant, Ravindra Ram, but in the next morning, they were found missing. Subsequently, two dead bodies were recovered, which were identified as of Pintu Kumar and Deepak Kumar. Consequently, the FIR was lodged against co-accused, Krishna Ram, Suresh Ram and Dharendra Kumar.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR, only on the basis of suspicion and his name subsequently sprang up during investigation. It is further submitted that on conclusion of investigation, the petitioner was not sent up for trial, but differing with the final form, the learned Magistrate took cognizance against the petitioner also. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up during investigation and prima facie finding the case true, learned Magistrate took cognizance against the petitioner.

Considering the fact that the petitioner is not named in the FIR, his name subsequently sprang up during investigation and on conclusion of investigation, the petitioner was not sent up for trial, coupled with the statement made in paragraph no.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/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 like amount each to the satisfaction of learned CJM, Aurangabad in connection with Simra P.S.Case No. 04 of 2014, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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