

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23237 of 2019

Arising Out of PS. Case No.-17 Year-2019 Thana- PIRO District- Bhojpur

1. JALESHWAR SINGH Son of Late Chandrama Singh Resident of Village- Piro, Ward No.10, Police Station- Piro, in the district of Bhojpur.
2. Satyendra Singh Son of Jaleshwar Singh Resident of Village- Piro, Ward No.10, Police Station- Piro, in the district of Bhojpur.
3. Surendra Singh Son of Jaleshwar Singh Resident of Village- Piro, Ward No.10, Police Station- Piro, in the district of Bhojpur.
4. Jitendra Kumar Singh Son of Jaleshwar Singh Resident of Village- Piro, Ward No.10, Police Station- Piro, in the district of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhileshwar Pd. Singh, Sr. Advocate Mr. Surendra Prasad Singh, Advocate Mr. Prabhu Narayan Sharma, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP
For the Informant	:	Mr. Raj Narayan Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-07-2019 Heard learned Senior Counsel for the petitioners
and learned APP representing the State as also for the informant.

At the outset learned Senior Counsel for the petitioners submits that the petitioner no. 2 has already been arrested during pendency of the application, therefore, this application insofar as it relates to Satyendra Singh (petitioner no. 2) has become infructuous.

The application has been pressed on behalf of petitioners no. 1, 3 and 4 who are seeking anticipatory bail in



connection with Piro P.S. Case No. 17 of 2019 registered for the offences punishable under Sections 147, 149, 302, 120B of the Indian Penal Code.

The prosecution case as appearing from the first information report is based on the statement of the wife of the deceased late Mahendra Singh who happened to be a co-sharer of the petitioners. It is stated that the informant got an information in the afternoon of 13.01.2019 that her husband is lying in unconscious condition near the village. She went there along with the members of the family and took him to a government hospital where after some treatment he was referred to Sadar Hospital, Arra but finding his serious condition, he was referred to Patna Medical College and Hospital but in the meantime he died. Thereafter, the dead body was taken for cremation and after the cremation the present FIR was lodged on the next day on 14.01.2019 alleging that there were sign of injuries on the body of the deceased and then allegations were made that the accused persons including these petitioners who are the cousin father-in-law and dewars of the informant had hatched a conspiracy to kill her husband and give it a colour of an accident. It was then alleged that her husband was left in serious condition near the Charh.



Learned Senior Counsel for the petitioners submits that it is a case of false implication and by way of after thought the FIR has been lodged. It is submitted that in the post mortem report no injury has been noticed by the doctor which may be said to have been caused, further there is neither any direct evidence nor circumstantial evidence showing involvement of these petitioners in killing of the husband of the deceased. Attention of this Court has also been drawn towards the supervision note prepared in course of investigation by the Sub-Divisional Police Officer. In course of supervision the witnesses have come forward to say that there had been some land dispute between the parties over a piece of land.

Learned APP for the State has, however, submitted that in the case diary no independent witness has come forward to support the allegations and it is only the informant and the sister of the deceased who have supported the allegations.

Learned counsel for the informant has though opposed the prayer of anticipatory bail, however, he is unable to show from the case diary that any independent witness has supported the prosecution case saying that these petitioners have been either seen or any such circumstance has been noticed which may give a reason to believe that the petitioners have



participated in the alleged occurrence.

Having heard learned Senior Counsel for the petitioner, learned APP for the State as also for the informant, considering the fact that the FIR in this case has been lodged on 14.01.2019 i.e. after cremation of the husband of the informant and these petitioners are said to be cousin father-in-law and Dewars with whom there are allegations of land dispute but no independent material has come in the case diary to support the allegations as also the allegation of causing injuries are not substantiated from the post mortem report, this Court is willing to extend the benefit of anticipatory bail to the petitioners no. 1, 3 and 4.

Let the petitioners no. 1, 3 and 4, in case of their arrest or surrender within a period of four weeks from today in connection with Piro P.S. Case No. 17 of 2019, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-I, Ara, subject to the condition as laid down under Section 438 (2) Cr.P.C.

The petitioners no. 1, 3 and 4 shall co-operate in course of trial and will present themselves on each and every



date fixed in trial and two consecutive failure of the petitioners to attend the trial would invite cancellation of their bail bonds by the court below itself.

(Rajeev Ranjan Prasad, J)

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