

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36421 of 2019

Arising Out of PS. Case No.-59 Year-2010 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Rajdeo Raut, Son of Late Sevak Raut Resident of Village - Rampat Pakri, P.S.- Mejarganj, District- Sitamarhi
 2. Krishnandan Raut @ Krishna Nandan Raut Son of Late Nathuni Raut Resident of Village - Rampat Pakri, P.S.- Mejarganj, District- Sitamarhi
 3. Munita @ Sunita D/O - Nathuni Raut Resident of Village - Rampat Pakri, P.S.- Mejarganj, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohan Roy S/O Laxami Roy Resident of Village- Rampat Pakari, P.S.- Mejarganj, District- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-08-2019 Heard learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Complaint case No.C1-59 of 2010 registered under Sections
304, 201/34 of Indian Penal Code.

The allegation against the petitioners as per the
complaint is that petitioners assaulted the son of complainant by
means of fists and legs and thrown him in the river as a result,
he died and the villagers spread rumour that he died due to
drowning. It has also been alleged that dead body of the son of



the complainant was also disposeded by the accused persons.

Mr. Ashok Kumar Jha learned counsel appearing for the petitioners submits that petitioners have not committed any offence in the manner alleged. Learned counsel further submits that the fact of the mater is that the occurrence had allegedly taken place on 02.08.2008 and the complaint was filed on 18.08.2008 which was referred for registration of FIR under Section 156(3) on 19.08.2008. Learned counsel referring Annexure-3 submits that the police submitted a final form on 20.07.2019 as a mistake of fact not sending the petitioner for trial. Learned counsel further submits that protest-cum-complaint was filed by the complainant-informant bearing Complaint Case No.C1-59 of 2010 in which cognizance under Section 304 , 201, 34 has been taken by learned Court below. The order of cognizance has been annexed as Annexure-4. Learned counsel for the petitioners further submits that similarly situated accused persons have been granted bail by this Court in Cr. Misc. No.38135 of 2019.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that police after investigation has submitted final form as mistake of fact, as such, I am



inclined to grant anticipatory bail to all these petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Jyoti Kumari, A.C.J.M.-I, Sitamarhi, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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