

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39124 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- BASANTPUR District- Siwan

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RAMESHWAR SINGH @ RAMASARY SINGH Son of Late Dharmdeo
Singh Resident of Village - Karhi Khurd, P.S.- Basantpur, Dist.- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-09-2019 Heard Learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Basantpur P.S. Case No. 11 of 2019 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that it is a case of false implication and the petitioner has been involved in this case as an after thought which would be apparent from the following facts:- (i) from the case diary it will appear that the informant did not agree to lodge the FIR before getting the post mortem report and it is only after the post mortem report was prepared that the FIR was lodged, (ii) in the inquest report no external injury could be found on the body of the deceased, therefore, the allegation that the accused persons had assaulted



the mother of the informant and had pressed her neck and then threw her against the wall are all false and concocted story, (iii) it has come in paragraph 25 and 26 of the case diary that the mother of the informant had fallen on the brick while she was coming out of her house, thereafter the informant and other family members took her to hospital but when she died they hatched up a conspiracy to lodge the FIR.

This Court must record that Mr. Bal Mukund Prasad Sinha, learned APP who has appeared in this case has assisted this Court based on the records in a fair and reasonable manner which is expected from a prosecutor. He has accepted what has appeared from the records i.e. the case diary.

In the given facts and circumstances of the case, in view of the materials which have come in the case diary, this Court is willing to extend the benefit of anticipatory bail to the petitioner, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Basantpur P.S. Case No. 11 of 2019 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, subject to the conditions as laid down under Section 438 (2) of the



Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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