

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59349 of 2018

Arising Out of PS. Case No.-202 Year-2016 Thana- MANJHI District- Saran

-
1. Raj Kapoor Shah @ Raj Kapoor Shaw S/o Ram Baran Shah,
 2. Raj Tilak Shah S/o Raj Kumar Shah
- Both are R/o Vill.- Kauru Dhauru , P.S. and P.O. -Manjhi, District-Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Advocate

For the Opposite Party/s : Mr.Sri Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6. 22-01-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Manjhi P.S. Case No. 202/2016 registered under Sections 302 & 120(B) of the Indian Penal Code, pending in the court of learned Chief Judicial Magistrate, Saran at Chapra.

Learned counsel for the petitioners submits that as per allegations made in the complaint case bearing No. 2071/2016 filed before the learned Chief Judicial Magistrate, Saran at Chapra which has given rise to the present police case, the son of the complainant/informant was married with co-accused Rinki Devi. The said Rinki Devi had fallen in love with co-accused petitioner no. 2. It is alleged that petitioner no. 1 took the son of the informant to Kolkata on the pretext of getting him a job. On 08.06.2016, the informant enquired about the whereabouts his son, he got a reply that his son had not reached home, thereafter on 09.06.2016 the informant received a call



and was called upon to Kolkata. It is alleged that when the informant reached Kolkata and enquired from petitioner no.2, the petitioner no. 2 was avoiding to give a reply. Under these circumstances, the informant came to know that his son had already been murdered two days back. It is alleged that the petitioners had hatched a criminal conspiracy whereunder they had taken away the son of the informant and murdered him. The complaint was registered on 20.07.2016 and the resultant F.I.R. was registered on 03.09.2016.

Learned counsel for the petitioners has drawn attention of this court towards Annexure-2 which is a copy of the final report of a reported case of unnatural death sent to the Magistrate under Section 174 Cr.P.C. It is submitted that the employer of the son of the informant had given information about the death of his employee namely, Arbind Kumar Thakur on 10.06.2016 when his dead body was found from the pond adjacent to the factory premises.

Learned counsel submits that the cause of death is by drowning in the pond and it was reported that the deceased had fallen in pond after taking liquor.

Learned counsel however submits that the complaint case was registered after about a month.

Learned A.P.P. is present and opposed the prayer for anticipatory bail of the petitioners.

In the given facts and circumstances of the case considering the materials available at Annexure-2 to the present application, this court is inclined to grant the privilege of anticipatory bail to the petitioners, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail



furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Manjhi P.S. Case No. 202/2016, subject to condition that petitioners will join investigation by reporting to the Investigating Officer within a period of two weeks from today and will cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of bail. This will be in addition to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

