

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47015 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- BIDUPUR District- Vaishali

1. DHARMENDRA RAM S/o Akhilesh Ram R/o Village- Tijabpur Kharjama, P.S.- Desari, District- Vaishali.
2. Humas Ram S/o Harilal Ram R/o Village- Tijabpur Kharjama, P.S.- Desari, District- Vaishali.
3. Akhilesh Ram S/o Budhan Ram R/o Village- Tijabpur Kharjama, P.S.- Desari, District- Vaishali.
4. Naresh Ram S/o Harilal Ram R/o Village- Tijabpur Kharjama, P.S.- Desari, District- Vaishali.
5. Premi Devi W/o Naresh Ram R/o Village- Tijabpur Kharjama, P.S.- Desari, District- Vaishali.
6. Sunita Devi W/o Rajkumar Ram R/o Village- Tijabpur Kharjama, P.S.- Desari, District- Vaishali.
7. Basudev Ram S/o Lutkun Ram R/o Village- Tijabpur Kharjama, P.S.- Desari, District- Vaishali.
8. Rajkumar Ram Son of Lutkun Ram R/o Village- Tijabpur Kharjama, P.S.- Desari, District- Vaishali.
9. Karu Kumar @ Rajesh Ram @ Karu Ram S/o Rajkumar Ram R/o Village- Tijabpur Kharjama, P.S.- Desari, District- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rina Sinha, Advocate
For the Opposite Party/s : Mr.Raj Kishore Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-10-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners in this case are seeking anticipatory
bail in connection with Bidupur P.S. Case No. 49 of 2019
registered for the offences punishable under Sections
302/201/34 of the Indian Penal Code.



Learned counsel for the petitioners submits that so far as petitioners no. 1 to 5 are concerned, they are co-villagers. Petitioner no. 6 is the mother-in-law, petitioner no. 7 is uncle-in-law, petitioner no. 8 is father-in-law and petitioner no. 9 is the brother-in-law (younger brother of the husband of the deceased). It is submitted that in course of investigation Police has submitted chargesheet against petitioners no. 6, 7 and 8. So far as other petitioners are concerned, there are witnesses who have stated that these persons are innocent and have been falsely implicated.

Learned counsel further submits that so far as the allegations against petitioners no. 6, 7 and 8 are concerned, those are also flimsy allegations. Petitioner no. 7 is the uncle-in-law who is living separately in mess and business and has no concern with the family of the deceased.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners, however, in the case diary which has been read out before this Court some witnesses have not involved the petitioners no. 1 to 5 and 9 and have stated that they have been falsely implicated.

Considering the facts and circumstances of the case wherein in course of investigation nothing has been found



against the petitioners no. 1 to 5 and 9 and it has come that they have been falsely implicated and further against petitioner no. 7 it is stated that he is uncle-in-law and is living separately in mess and business and in the FIR there are general allegation against him, let the petitioners no. 1 to 5, 7 and 9, in case of their arrest or surrender within a period of four weeks from today in connection with Bidupur P.S. Case No. 49 of 2019 be released 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 A.C.J.M.-14, Vaishali at Hajipur, 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.



So far as petitioners no. 6 and 8 are concerned, they are mother-in-law and father-in-law respectively and having been found that they have been chargesheeted in the alleged occurrence, in that view of the matter, this Court is not inclined to grant privilege of anticipatory bail to the petitioners no. 6 and 8.

However, in case petitioners no. 6 and 8 surrender and pray for regular bail within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit and on the basis of the materials available on the record.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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