

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57115 of 2019

Arising Out of PS. Case No.-341 Year-2016 Thana- MASHRAK District- Saran

1. RAJU RAI Son of Ganesh Rai @ Ganeshi Rai Resident of Village- Mashrakh Dakhin Tola, P.S.- Mashrakh, District- Saran at Chapra.
2. Kusmi Devi @ Kushmi Devi @ Kusum Kunwar Wife of Late Ganesh Mahto @ Ganeshi Mahto Resident of Village- Mashrakh Dakhin Tola, P.S.- Mashrakh, District- Saran at Chapra.
3. Sikandar Mahto @ Sikendra Mahto Son of Late Ganesh Mahto @ Ganeshi Mahto Resident of Village- Mashrakh Dakhin Tola, P.S.- Mashrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mashrak P.S. Case NO. 341 of 2016, disclosing offences under Sections 201,120B and 302/34 of the Indian Penal Code.

A complaint case is the basis for registration of the First Information Report. The informant is wife of the deceased, whereas petitioner Nos. 2 and 3 are mother and brother of the deceased. Petitioner No.1 is a co-villagers. There is allegation in the complaint petition that accused persons had been indulging into illegal activities, which was always objected to, by the deceased, which is the reason



why he was done away with.

Learned counsel appearing on behalf of the petitioners has submitted that the deceased was found missing on 06.11.2014 and his dead body was recovered on 07.11.2014. He contends that lodging of the complaint petition nearly twenty four days after the alleged date of occurrence casts a serious doubt not only over the veracity of the allegation made in the FIR but also motive of the complainant about lodging of the criminal case. He submits that the petitioner shall present themselves before the police and Court for investigation, enquiry and trial as and when required.

Considering the delay as has been noted above, in lodging of the complaint case and in the absence of any basis for implication of these petitioners in commission of the offence, disclosed in the complaint petition, this application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand)each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Saran at Chapra in Mashrak P.S. Case No. 341 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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