

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57520 of 2019

Arising Out of PS. Case No.-146 Year-2011 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. SHAMBHU SAH Son of Late Nand Sah Resident of Village- Singhasani, P.S.- Ramgarhawa, District- East Champaran.
 2. Ramrati Devi Wife of Shambhu Sah Resident of Village- Singhasani, P.S.- Ramgarhawa, District- East Champaran.
 3. Rinku Kumari D/o Shambhu Sah Resident of Village- Singhasani, P.S.- Ramgarhawa, District- East Champaran.
 4. Hari Narayan Prasad Son of Ramashish Prasad Resident of Village- Singhasani, P.S.- Ramgarhawa, District- East Champaran.
 5. Lal Shankar Prasad Son of Ramashish Prasad Resident of Village- Singhasani, P.S.- Ramgarhawa, District- East Champaran.
 6. Rajaram Sah Son of Late Raghunath Sah Resident of Village- Singhasani, P.S.- Ramgarhawa, District- East Champaran.
 7. Deep Lal Sah Son of Sonalal Sah Resident of Village- Singhasani, P.S.- Ramgarhawa, District- East Champaran.
 8. Prabhu Sah Son of Sonalal Sah Resident of Village- Singhasani, P.S.- Ramgarhawa, District- East Champaran.

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Savdeo Singh Son of Late Awadh Singh Resident of Village- Singhasani, P.S.- Ramgarhawa, District- East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-09-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Complaint Case No. C-146 of 2011 for the offence punishable
under Sections 328, 302 and 120B of the Indian Penal Code.

The complaint case was filed in 2011. The filing of



the present anticipatory bail application has been necessitated because cognizance has been taken recently on 03.05.2019, learned counsel for the petitioners contends. He has submitted, referring to the complaint petition, that occurrence is said to have taken place on 24.03.2011. The daughter of the complainant and the son of the petitioner No.1 were found dead. Suspecting killing of the deceased by these petitioners, the complaint case was lodged on 13.04.2011, i.e., nearly 17 days after the alleged date of occurrence.

Learned counsel appearing on behalf of the petitioners has further argued that even on a reading of the complaint case, it will transpire that suspicion is the only basis for implicating all these petitioners, who are family members of one of the deceased.

Considering the facts and circumstances and nature of accusation and submissions advanced on behalf of the nature of allegation as made in the complaint case, 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 S.D.J.M., Raxaul at Motihari, in Complaint Case No. C-146 of 2011, 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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