

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75353 of 2019

Arising Out of PS. Case No.-12 Year-2018 Thana- ATHMALGOLA District- Patna

1. Anil Rai Son of Sri Devavali Rai, Resident of Village - Champapur (but in the First Information Report it has wrongly been mentioned as Dedaur), P.S. - Bakhtiyarpur, District - Patna
2. Sanjay Rai Son of Late Nathun Rai, Resident of Village - Dedaur, P.S. - Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mrs. Babita Kumari, Adv. Mr. Arya Achint, Adv.
For the Opposite Party/s :		Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-12-2019 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Athmalgola P.S. Case No. 12 of 2018 for the offence punishable under Sections 302, 201, 120B & 34 of the Indian Penal Code.

The allegation is regarding the informant of the present case being wife of one co-accused person, namely, Meghan Rai and it is alleged that the said Meghan Rai had subsequently left the informant and solemnized marriage with another lady, whereafter he is stated to be staying separately at Patna. It is further alleged that the said co-accused Maghan Rai



had forcibly taken the two sons, who had been born out of the wedlock of the informant and the said Meghan Rai, so that they could stay with the said co-accused person, namely, Meghan Rai, however, subsequently, the petitioners and other co-accused persons are stated to have brought the dead body of one son namely, Sobhit Kumar in a tempo at the house of the informant and thereafter they are stated to have fled away.

The learned counsel for the petitioners has submitted that the petitioners do not have any concern with the said occurrence and the fact is that the said Sobhit Kumar had died on account of ailment. It is further submitted that the petitioners have been falsely implicated in the present case merely on the basis of suspicion and there is no eye witness to the occurrence. It is further submitted that exactly similarly situated co-accused person, namely, Nitish Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 19.11.2018 passed in Cr. Misc. No. 67803 of 2018. Lastly, it is submitted that the petitioner no.2 is having a clean antecedent and as far as the petitioner no.1 is concerned, he is an accused in one case in which he is on bail.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender in the court below within



a period of four weeks from today, the petitioners above named are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh, Patna in connection with Athmalgola P.S. Case No. 12 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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