

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6288 of 2020**

Arising Out of PS. Case No.-321 Year-2019 Thana- HARSIDHI District- East Champaran

1. RAMEKBAL TIWARI @ RAMEQBAL TIWARI Son of Late Rajendra Tiwari Resident of Village- Chainpur, P.S.- Harsidhi, Distt- East Champaran, Motihari.
2. Deepak Kumar @ Deepak Kumar Tiwari S/o Ramekbal Tiwari Resident of Village- Chainpur, P.S.- Harsidhi, Distt- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-07-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners, in the present case, are seeking anticipatory bail in connection with Harsidhi P.S. Case No. 321 of 2019 registered for the offences under Sections 328, 306 and 201/34 of the Indian Penal Code.

Learned counsel for the petitioners informs this court that the petitioners have been granted privilege of provisional anticipatory bail by a learned coordinate Bench of this court vide order dated 04.03.2020 which is available on the record and pursuant thereto the petitioners have already submitted their bail bond.



It is the submission of learned counsel for the petitioners that the petitioners are close agnates of the informant and next door neighbours. Earlier the informant tried to commit rape on the minor daughter of the close agnates and an F.I.R. being Harsidhi P.S. Case No. 02/2018 under Section 8 & 10 of the POCSO Act was lodged in which he was sent to jail and charge-sheet has been filed against him. In order to settle the score the informant has lodged the present case involving these petitioners. As a matter of fact, it is submitted that the daughter of the informant consumed poison and died on 11.09.2019. On 12.09.2019 father of the deceased went to cremate the dead body. On 13.09.2019 the half burnt dead body was seized by police and inquest report was prepared and post-mortem has been conducted. It is in order to save himself subsequently on 15.09.2019 the present F.I.R. has been lodged by making out a false story that these petitioners had gone to house of the informant alleging that his daughter had stolen a mobile phone and by searching of the said mobile phone they had been abusing the sister of the informant and had also teased her.

It is alleged that the sister of the informant took her search and teasing as a matter of her prestige and committed suicide. Learned counsel submits that in course of investigation no eye



witness has come forward to support the allegation and it is only subsequently developed story which has been made in lodgment of the present case.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners but considering the submission advanced on behalf of the petitioners and the materials available on the record supporting his submissions, this court confirms the anticipatory bail granted to the petitioners, let the petitioners be allowed to remain on bail bond already submitted to the court below.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

