

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26285 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- LALGANJ District- Vaishali

-
1. MALTI DEVI W/o Nawal Rai @ Nawal Kishor Rai Resident of Village-Gopalpur, P.S.-Paroo, District-Muzaffarpur.
 2. Nawal Rai @ Nawal Kishor Rai S/o Chandrika Ray Resident of Village-Gopalpur, P.S.-Paroo, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 26-11-2020 The learned counsel for the parties were heard yesterday at length and the instant case has been listed today “For Orders”.

The petitioners apprehend their arrest in connection with Lalganj P.S. Case No. 04 of 2020, G.R. No. 36 of 2020 for the offence punishable under Section 302/ 201/34 of the Indian Penal Code.

The case of the prosecution in brief as per the informant is that his elder brother namely Bhola Rai used to live in his Nanihal situated at village- Manikpur Pipra, P.S. Saraiya, District Muzaffarpur and on 01.01.2020 , the informant got information that his brother has been murdered and his dead



body has been thrown. It is further alleged that his brother has been murdered by the accused persons including the petitioners herein. It is also alleged that after receiving information about murder of his brother, the informant had reached in Diyara (Open area) situated at village- Kalighat and upon search being made along with the police party, the clothes, shoes and jacket of the deceased were found at the banks of the Salempur river and the dead body was also taken out from the river.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that the incident in question has taken place at village Salimpur, however, the petitioners are residing at village Gopalpur, which is 30 kilometres away from the place of occurrence and on the said date and time of occurrence, the petitioners were at their home. It is also submitted that since the dead body of the deceased was recovered from Salimpur river, i.e from a place situated near the house of the co-accused person namely Durga Rai, whose daughter is petitioner no.1 and son-in-law is petitioner no.2, they have also been roped in the present case, however, they do not have any connection with the alleged occurrence.



The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioners.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the materials available on record as also in the case diary, this Court finds that miniscule evidence is available qua the petitioners herein so as to connect them with the alleged occurrence and moreover, they are having clean antecedent, hence I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned XIV Additional Chief Judicial Magistrate, Vaishali in connection with Lalganj P.S. Case No. 04 of 2020, G.R. No. 36 of 2020, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

It is further directed that the petitioners shall mark



their attendance before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of their failure to do so on two consecutive occasions, the present privilege of regular bail being granted to the petitioners herein shall stand cancelled automatically and the petitioners shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--

