

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75986 of 2019**

Arising Out of PS. Case No.-233 Year-2019 Thana- PANCHRUKHI District- Siwan

1. Ramayan Sah Son of Sheojee Sah.
 2. Sudhir Sah Son of Ramayan Sah.
 3. Haresh Sah Son of Sheojee Sah.
 4. Gilet Sah @ Bulet Sah @ Prem Kumar Son of Amod Sah.
 5. Ashish Sah @ Aashish Sah S/O Haresh Sah.
 6. Budhu Prasad @ Swaminath Prasad, Son of Late Marai Bhagat.
 7. Vijendra Prasad @ Bijendra Prasad, Son of Budhu Prasad @ Swaminath Prasad.
- All are resident of Village - Baishakhi, Police Station - Sarai O.P., District - Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate
For the Opposite Party : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 18-06-2020 Heard learned counsel for the petitioners and
learned counsel for the State via video conferencing.

By way of the present application, the petitioners have sought for pre-arrest bail in connection with Pachurkhi (Sarai) P.S. Case No.233 of 2019 registered for the offence punishable under Section 302 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the



petitioners that the first information report has been instituted merely on hypothetical presumption and wild suspicion. It is further contended that the name of the petitioners has been given in retaliation to the case instituted by petitioner no.1 Ramayan Sah vide Pachurkhi (Sarai) P.S. Case No.229 of 2019 under Sections 302, 120B read with 34 of the Indian Penal Code and Section 27 of the Arms Act on 01.09.2019 against the husband of the informant and others.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners.

Considering that the petitioners' name has been given in the first information report merely on suspicion and during investigation also, no tangible material has been collected against them rather witnesses have stated that they had never seen the petitioners entering into the house of the informant, the petitioners, above named, are directed to be released on bail in the event of their arrest or surrender in the court below on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Pachurkhi (Sarai) P.S. Case No.233 of 2019 subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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