

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82432 of 2019**

Arising Out of PS. Case No.-457 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. MANAS KUMAR @ MANISH KUMAR @ CHAINIJ FIGHTER Son of Bhagirath Singh Resident of Ward No. 10, Kothiya, P.S.- Dhobauli, Dist.- Begusarai.
 2. Bhagirath Singh Son of Late Prabhu Sharan Singh Resident of Ward No. 10, Kothiya, P.S.- Dhobauli, Dist.- Begusarai.
 3. Mamta Devi @ Mamta Kumari Wife of Bhagirath Singh Resident of Ward No. 10, Kothiya, P.S.- Dhobauli, Dist.- Begusarai.
 4. Kari Singh Son of Ram Nagina Singh Resident of Ward No. 10, Kothiya, P.S.- Dhobauli, Dist.- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prem Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 18-06-2020

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Muffasil (Lakho) P.S. Case No. 457 of 2019 for the offence punishable under Sections 302/201 and 34 of the Indian Penal Code.

The petitioners have been named in the First Information Report. It is the case of the prosecution that the petitioner No. 1 and his mother used to threaten the informant of dire consequences, if a criminal case, registered against them, was not compromised. Allegedly, on 28.10.2019, the persons,



named in the First Information Report, had kidnapped the minor son of the informant, whose dead body was found on the subsequent date lying near a hand pump.

Learned counsel for the petitioners has submitted that the case of the prosecution, as narrated in the First Information Report, is highly improbable and the petitioners have been implicated because of the admitted enmity. The deceased appears to have died of drowning. If the case of the prosecution is treated to be correct, there would have been no reason for lodging of the First Information Report on a subsequent date that too in the night. The date of the occurrence of alleged kidnapping is 28.08.2019, whereas the First Information Report was registered at 10.15 PM on 29.08.2019.

I have perused the case diary. From the inquest report, it appears that the police have, *prima facie*, noticed drowning as cause of death of the child. There is no material in the case diary, which suggest involvement of these petitioners in commission of the alleged offence.

In my opinion, a case for grant of anticipatory bail is made out. This application is accordingly 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 C.J.M., Begusarai, in Mufail (Lakho) P.S. Case No. 457 of 2019, 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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