

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35825 of 2021

Arising Out of PS. Case No.-866 Year-2020 Thana- MARWAH District- Saran

1. Rahul Kumar Singh @ Karu, aged about 25 years (Male), S/O Late Birendra Singh, R/O Village-Chanda, P.S. Madhaura, OP Gaura, District-Saran at Chapra.
2. Ankit Kumar Singh @ Mannu, aged about 20 years (Male), S/O Late Birendra Singh, R/O Village-Chanda, P.S. Madhaura, OP Gaura, District-Saran at Chapra.
3. Vijay Kumar Singh @ Vijay Singh, aged about 47 years (Male), S/O Shivendra Prasad Singh, R/O Village-Chanda, P.S. Madhaura, OP Gaura, District-Saran at Chapra.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rabindra Kumar Tiwari, Advocate.
For the Opposite Party : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 149, 341, 323, 504, 506 and 302 of the I.P.C.

The prosecution story, in brief, is that on 07.10.2020 the informant's father was alone, at that time, Alka Kumari



(Munni), Vidotma Kumari (Tunni Kumari), Manisha Kumari (Jhunni), threatened to arrange murder of the informant's son. Rahul Kumar Singh (Karru), Ankit Kumar Singh (Mannu), Vijay Kumar Singh used to hurl abuses. On 09.10.2020 at about 8.30 A.M., the above accused persons thrashed the informant's father with fists, fat and rod, consequently, he was under treatment at Magadh Hospital. On 10.10.2020, the informant's father died.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Subsequently, the informant has filed a petition in the learned court below where he has retracted from his earlier statement made in the F.I.R. The said application is Annexure-4 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest



or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M., Saran, in connection with Madhaurah (Gaura O.P.) P.S. Case No. 866 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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