

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28569 of 2020

Arising Out of PS. Case No.-109 Year-2018 Thana- CHAUSA District- Madhepura

1. DEEPAK KUMAR S/o Mahendra Mandal R/o Village- Dhuriya, P.S.- Chausa, District- Madhepura.
2. Suman Kumar S/o Mahendra Mandal R/o Village- Dhuria Tilarahi, P.S.- Chausa, District- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-02-2021 Heard learned counsel for the petitioners and Mr. Raj Kishore Singh, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Chausa P.S. Case No. 109 of 2018 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per prosecution story the sister of the informant had love affairs with the petitioner no. 1 for last one year and said Deepak Kumar used to come to his house. It is alleged that on 12.05.2018 said Deepak Kumar called informant's sister and took her to his house where the accused persons brutally assaulted her and killed by pressing her neck and thereafter



hanged her dead body on a tree.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners are the next door neighbours of the informant and during investigation no one came forward to say that he witnessed the alleged occurrence.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. Learned counsel submits that in this case chargesheet has already been filed in the year 2019 showing the petitioners absconder after exhausting the process under Sections 82 & 83 Cr.P.C.

Having regard to the facts and circumstances of the case, wherein the petitioners are specifically named in the FIR, allegation against them is that of killing of the sister of the informant, they were absconding and after exhausting process under Section 82 & 83 Cr.P.C. chargesheet has already been filed in the year 2019 showing them absconder, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. The prayer for anticipatory bail of the petitioners is, thus, refused.

In case petitioners surrender and pray for regular bail within four weeks from today in the court below, their prayer for



regular bail shall be considered on their own merit without being prejudiced by the present order of this Court.

The observation with regard to surrender in the court below within a period of four weeks from today shall not be construed as granting any interim protection to the petitioners for the aforesaid period.

The application stands disposed of accordingly.

(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'.

