

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5250 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- SRINAGAR District- West Champaran

1. Ranjeet Singh S/O Ramayan Singh Resident Of Vilage Pujaha Tar Tola, P.S. Srinagar Pujaha, Bettiah, District-West Champaran.
2. Phoolpari Devi W/O Ramayan Singh Resident Of Vilage Pujaha Tar Tola P.S. Srinagar Pujaha, Bettiah, District-West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Indrajeet Bhushan
For the Opposite Party/s	:	Mr. C. Jawahar, APP
For the Informant	:	Mr. Shailesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-09-2021 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant through virtual mode.

The petitioners are apprehending their arrest in a case registered under Sections 302 and 120(B)/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the deceased left his house in the evening for having meal at the house of accused persons and in the morning, his dead body was found.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



petitioners. The petitioners have falsely been implicated in the present case. The petitioner No. 2 is a lady. As per the allegation, the dead body of the deceased is said to have been found from the *dalan* of co-accused namely, Ramayan Singh. On behalf of the petitioners, it has been submitted that the I.O. had examined the place of occurrence and has narrated the same in paragraph 4 of the Case Diary. The I.O., in the said paragraph, has stated that the lock of the door of the *dalan* was found to be broken from inside. Further, the petitioner has referred to paragraphs 40, 41, 42, 55 and 56 of the Case Diary where the witnesses have stated that in the morning, they heard that the deceased has committed suicide. They went to the *dalan* and from the window, they saw the dead body of the deceased was hanging from the ceiling. Thereafter, the door was broken and the body was brought down. Hence, at best, it is a case for offence under Section 306 IPC and no offence under Section 302 IPC is made out. Further, it has been pointed out that as per the post-mortem report also, the deceased is said to have died due to asphyxia. It has further been pointed out that there is no motive alleged against the petitioner for committing the murder of the deceased.

On behalf of the State and the informant, it is



submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Srinagar Pujaha P.S. Case No. 44/2020, 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) 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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