

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11789 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- ATHMALGOLA District- Patna

1. Rajmuni Singh S/O Late Bindeshwari Singh, Resident of Village- Saristapur, P.S.- Athmalgola, Distt- Patna.
2. Anant Kumar Singh @ Anant Kumar @ Anant Kumar Sharma, Resident of Village- Saristapur, P.S.- Athmalgola, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey
For the Opposite Party/s	:	Mr. APP
For the Informant	:	Mr. Birendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-09-2021 Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

The present matter is being taken up out of turn on the mentioning slip filed on behalf of the petitioners stating therein that petitioner No. 1 is 85 years old and he has been tested as corona positive. Let the mentioning slip filed on behalf of the petitioners be kept on record.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

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



The prosecution allegation, in short, is that the son of sister of the informant went to house of accused persons for playing and later his dead body was found in the pond.

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. It is submitted that petitioner No. 1 is 85 years old person. Except for suspicion, there is no other substantive evidence to suggest their implication in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioners in the present case. Other co-accuseds have been granted anticipatory bail vide order dated 09.08.2021 passed in Cr. Misc. No. 11742 of 2021.

On behalf of the State, 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 S.D.J.M., Barh, Patna in connection



with Athamalgola P.S. Case No. 190 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) 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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