

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16255 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- PRANPUR District- Katihar

1. MAHIP LAL SAH SON OF LATE ANANDI SAH Resident of Village - Labha Bazar, P.S.- Barari, Dist.- Katihar.
2. Anup Lal Sah Son of Late Anandi Sah Resident of Village - Labha Bazar, P.S.- Barari, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-01-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

It is alleged that the informant Nibha Devi wife of petitioner no.1 filed a written report addressed to SHO, Roshna stating therein that she resides in her *Maike*. Her husband



informed on 21.10.2020 at about 1.30 P.M. about the death of her son and the Officer In Charge, Roshna O.P. Prampur informed and asked her to come at Sadar Hospital, Kastihar where she learnt that her son has committed suicide but she claimed that her son was murdered and the said murder has been committed by his husband and his brother Anup Lal Sah.

It is submitted by learned counsel for the petitioner that the deceased himself had committed suicide and prior his death, he had himself explained on Whatsapp status regarding his suicide and police seized the said mobile phone which belongs to the deceased. The learned counsel for the petitioner has referred para no.65 of the case diary, in which Whatsapp message is mentioned and in that para, the deceased has not implicated to the petitioners as such, no one is responsible for his death.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

From perusal of the case diary, it appears that there is no consistent evidence against the petitioners that they have committed murder of his son (deceased) and also from perusal of postmortem report, it appears that only cause of death as mentioned is due to hanging. It is apparent that petitioner no.1



is father and petitioner no.2 is uncle of the deceased and the FIR has been lodged on the basis of suspicion.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Katihar in connection with Pranpur (Roshna) P.S. Case No. 197 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

brajesh kumar/-

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