

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21427 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- BALIA BELON District- Katihar

1. NARESH RAI @ NARESH RAY S/o Lobin Ray Resident of Vidhanandpur,
P.S.- Balia Belon, District- Katihar
2. Savita Devi W/o Tintku Rai Resident of Village- Sheikhpura, P.S.- Balia
Belon, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 302, 34 of the Indian Penal Code.

Allegedly, the nephew of the informant was found dead in his matrimonial house. The informant saw sign of rope mark on the neck of the deceased. He suspected that the wife of the



deceased and his in-laws and others have killed him by tying rope in his neck.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Their name transpired in the present case merely on the basis of suspicion. There is no specific overt act against the petitioners. During investigation nothing has come against the petitioners. The police has submitted final form against the petitioners but differing with the same, court below has taken cognizance against the petitioners. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

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

Having regard to the facts and circumstances of the case, since cognizance has been taken against the petitioners, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Balia Belon P.S. Case No.51 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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