

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35977 of 2021

Arising Out of PS. Case No.-64 Year-2020 Thana- DARAUNDA District- Siwan

1. Pradeep Ram S/O Asheshar Ram R/O Village-Karsaut, P.S.-DARAUNDA, District-Siwan.
2. Dhupnath Ram S/O Late Ramnath Ram R/O Village-Karsaut, P.S.-DARAUNDA, District-Siwan.
3. Jaishanker Pandit S/O Jagjiwan Pandit R/O Village-Karsaut, P.S.-DARAUNDA, District-Siwan.
4. Sarwajeet Ram S/O Late Deonath Ram R/O Village-Nawka Tola, P.S.-DARAUNDA, District-Siwan.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Raghav Prasad, Advocate
For the Opposite Party/s	:	Mr. R.B. Roy Raman, APP
For the Informant	:	Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to
remove the defect(s), as pointed out by the Office, within a
period of four weeks.

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

The prosecution case, in short, is that the accused
persons including the petitioners killed the son of the informant



by hanging him on a tree.

It has been submitted on behalf of the petitioners that the petitioner no. 4 has 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. So far petitioner no. 3 is concerned, there is no specific allegation alleged against him nor he was present at the place of occurrence. So far petitioner nos. 1 and 2 are concerned, they have falsely been implicated in the present case.

On behalf of the State and the informant, it is submitted that the petitioner nos. 1 and 2 had hanged the son of the informant. The post-mortem report also corroborates with the allegations as alleged in the F.I.R. in respect of petitioner nos. 1 and 2.

Considering the fact that there is no specific overt act alleged against the petitioner no. 3, let the petitioner no. 3, 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Siwan in connection with Daraunda P.S. Case No. 64/2020, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far petitioner nos. 1 and 2 are concerned, I am not inclined to grant anticipatory bail to them. Prayer is rejected. However, if the petitioner nos. 1 and 2 surrender in the Court below and pray for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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