

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31663 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- RAMGARHWA District- East Champaran

1. RAMAYAN RAM Son of Bhikhari Ram Resident of Village - Manana, P.s.- Ramgarhwa, Distt.- East Champaran.
2. Karmullah Ansari @ Karmullah Miya Son of Kamaddin Miya Resident of Village - Manana, P.s.- Ramgarhwa, Distt.- East Champaran.
3. Rambalak Ram Son of Mahagu Ram Resident of Village - Manana, P.s.- Ramgarhwa, Distt.- East Champaran.
4. Krishna Ram Son of Mintar Ram Resident of Village - Manana, P.s.- Ramgarhwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, A.P.P.
	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Sections 25 (1-b)a, 26, 35 and 27 of the Arms Act.

The informant alleges that Jitendra Prasad used to allege that her husband was having illicit relationship with his wife and thus had threatened of dire consequences,



further on 31.03.2021, Jitendra Prasad along with two unknown accused came and enquired about her husband on which disclosed that he was near the pond, it is next alleged that on 01.04.2021, the three accused persons shot him dead.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the FIR it would manifest that the informant alleges that Jitendra Prasad had issues with her husband as he was of the opinion that her husband was having an illicit relationship with his wife on account of which the alleged occurrence took place. Learned counsel next submits that petitioners are not named in the FIR and their named transpired during the course of investigation, it is further submitted that petitioner no. 1 is aged about 72 years.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners and submits that during the course of investigation it transpired that informant was made to give



her thumb impression on an application brought by the husband of the Mukhiya (Shamshul) and the same was given to the police by incorporating that Jitendra Prasad had threatened to kill her husband, it is further submitted that informant has also written to the police headquarters that her husband was murdered on 31.03.2021, when he went to attend the party organized by petitioners Shambhu and Jai Chand, thus has alleged that husband of the Mukhiya (Shamshul) in conspiracy with the petitioners killed him.

Learned counsel for the petitioners rebuts the submission of the learned A.P.P. and learned counsel for the informant and submits that if what has transpired during the course of investigation is true then it amply demonstrates that informant is a lady who is able to read and write or else how could she have petitioned the Senior Police officer alleging about the occurrence that it were the petitioners who killed him in conspiracy with Shamshul, it is next submitted that it absolutely does not stand to reason that how the informant could have signed the application brought before her by Shamshul in which it was recorded that Jitendra along with two unknown accused persons had



killed her husband. Learned counsel thus submits that the manner in which the case has been instituted creates doubt that as to whether it was Jitendra along with two unknown accused persons who committed the occurrence or it were the petitioners who committed the occurrence, it is next submitted that petitioners are not evading the investigation rather will cooperate in the investigation and will present themselves as and when required by the investigating officer of the case for eliciting the truth.

Considering the submissions made by the learned counsel for the petitioners and the fact that petitioners are persons with clean antecedent and petitioner no. 1 is aged about 72 years, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ramgarhwa P.S. Case No. 94 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



Further, if the I.O. of the Case files an application before the learned trial Court bringing to its notice that the petitioners despite giving an undertaking before this Court are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court after hearing the petitioners shall pass an order in accordance with law and will also have the liberty to cancel their bail bonds.

The learned Trial Court is directed that a copy case of this Order be sent to the concerned Police Station.

(Satyavrat Verma, J)

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