

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32782 of 2022

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

1. NIRMAL RAI S/o Late Nidhi Rai Resident of Village- Sheikhpura, P.S.- Baliya Belon, District- Katihar
2. Birbal Rai S/o Late Nidhi Rai Resident of Village- Sheikhpura, P.S.- Baliya Belon, District- Katihar
3. Pappu Rai S/o Late Nidhi Rai Resident of Village- Sheikhpura, P.S.- Baliya Belon, District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2022 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 petitioners are brother-in-laws of the deceased. The police has submitted final form against the petitioners but differing with the same, court below has taken cognizance against the petitioners. Similarly situated co-accused persons have been granted anticipatory bail by this court vide order dated 24.08.2022 in Cr. Misc. No.21427 of 2022. 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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