

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37862 of 2022

Arising Out of PS. Case No.-251 Year-2021 Thana- SIDHWALIYA District- Gopalganj

1. RAVIKANT SINGH SON OF DASHRATH SINGH R/O VILLAGE-
GANGWA, P.O. AND P.S.- SIDHWALIA, DISTRICT- GOPALGANJ
2. SHIVAM KUMAR @ SHIVAM KUMAR SINGH SON OF
CHANDRESHWAR SINGH R/O VILLAGE- GANGWA, P.O. AND P.S.-
SIDHWALIA, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Roy Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, A.P.P.
	:	Mr. Setu Prateek, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioners, learned A.P.P.
for the State and learned counsel for the informant.

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

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are young boys aged 19 and 22 years respectively, it is next submitted that the informant alleges that petitioners along with co-accused came to the house of the informant and took her son Ombir to a birthday party, further, brought him home at 4:00 am and kept him in the outer room and went away, it is next alleged that he heard some unusual noise and went to the room of his son and saw that his son had injuries on jaws, mouth and head



and blood was oozing out, further, the son wanted to convey something but he was not in a position to convey but only uttered the name of one Vikash, it is next alleged that, thereafter, he was taken to the hospital where he was declared dead.

Learned counsel submits that petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the F.I.R, it would manifest that the son of the informant willingly accompanied the petitioners along with others for a birthday party, further, there was no protest from the side of the informant even when he was accompanying them, that amply demonstrates that the relationship between the petitioners and the deceased was cordial and were friends, it is next submitted that, thereafter, it is alleged that in the morning, the deceased was brought back home when the informant heard an unusual noise, she went to his room and saw him in the condition as aforesaid. Learned counsel next submits that from perusal of the allegations, it would also manifest that informant had not seen that who all had accompanied the deceased to the house in the morning from the party, as such the entire allegation hinges around suspicion.

Learned counsel next submits that petitioners are young boys and students, their entire career would be jeopardized in the event if they are sent to jail based on an allegation which hinges around suspicion and chances are bright that they may come in company of hardened criminals. Learned counsel further submits that



the purpose of arrest is not to punish but to ensure that the investigation is not hindered. It is next submitted that the petitioners undertake that they will cooperate in the investigation and they will present themselves as and when called by the Investigating Officer, so that the truth comes out.

Learned A.P.P. for the State and the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners oppose the bail application but are not able to meet the submissions of the learned counsel for the petitioners that from bare perusal of the allegations as alleged in the F.I.R., it would manifest that informant had not seen as to who were the persons who accompanied the deceased to the house from the party in the morning nor the deceased, before he died, took the name of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, 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 Sidhwalia P.S. Case No. 251 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailors shall be their respective fathers.

Further, in the event if the Investigating Officer of the



case, files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court are not cooperating in the investigation or are not presenting themselves when called for, then the learned Trial Court after giving an opportunity of hearing to the petitioners shall pass orders in accordance with law and shall also be entitled to cancel the bail bonds of the petitioners.

Further, in the event, if after investigation charge sheet is submitted and thereafter, the learned Trial Court comes to a conclusion that petitioners are trying to delay the trial then in that event also the learned Trial Court after giving an opportunity of hearing to the petitioners, shall be entitled to pass orders in accordance with law.

(Satyavrat Verma, J)

HarshPandey/-

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