

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38489 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- GORAUL District- Vaishali

1. KAUSHALYA DEVI W/O SURENDRA RAM Resident of Village- Mansupur, P.S.- Goraul (Kathara O.P.),
2. DOLLI KUMARI D/O SURENDRA RAM Resident of Village- Mansupur, P.S.- Goraul (Kathara O.P.),
3. RAM BALI RAM @ BALIRAM DAS S/O RAM CHANDRA RAM Resident of Village- Mansupur, P.S.- Goraul (Kathara O.P.),
4. MACHCHIYA DEVI W/O RAM EKWAL RAM Resident of Village- Mansupur, P.S.- Goraul (Kathara O.P.),

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48354 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- GORAUL District- Vaishali

LALU KUMAR @ LALU RAM S/o Barku Ram R/o village- Anjani, P.S.- Sarai, District- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38489 of 2022)

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 48354 of 2022)

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022

CRIMINAL MISCELLANEOUS No.38489 of 2022

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 365 and



302 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner No. 1, 2 and 4 are women and petitioner No. 2 and 4 are aged 19 years and 77 years.

Learned counsel further submits that the informant alleges that his son Amar Kumar alias Munna was living with his relative Ram Chandra Ram of village Mansurpur for the last few days, further, on 9.09.2021 at about 12:00 noon, his son left Mansurpur for his house at Bakarpur but he did not reached his home, thereafter, a search was made but the victim could not be located, it is next alleged that on account of search there was a delay in instituting the FIR. Learned counsel further submits that from perusal of the allegations as alleged in the FIR, it would manifest that the informant alleges that his son was staying with his relative Ram Chandra Ram at village Mansurpur for the last few days and on 9.09.2021, he left for his village but he did not reached, it is next submitted that the FIR does not even remotely raise any suspicion against the petitioners or their family members. Learned counsel further submits that FIR is against unknown and if the son of the informant was missing since 9.09.2021, then why the FIR came



to be instituted on 13.09.2021 i.e., after a delay of four days, because it simply does not stand to reason that the informant would have waited for four days for the deceased to come back home, it is further submitted that during the course of investigation, the informant raised suspicion against Surendra Ram after the dead body was recovered that he might have killed his son, it is next submitted that deceased was working with Ram Chandra Ram (father of Surendra Ram) who was a village Doctor and since the deceased was in habit of drinking as such the same was objected and he was removed from his job and thereafter, was asked to leave the house on which the deceased left the house on 9.09.2021. Learned counsel next submits that during the course of investigation also a suspicion was raised that the deceased was having relationship with the daughter of Surendra Ram namely Megha on account of which the present occurrence took place. Learned counsel next submits that if the deceased was having any relationship with the daughter of Surendra Ram and on account of which the present occurrence might have taken place then atleast in the FIR the informant could have raised suspicion but the FIR is completely silent in that respect, it is next submitted that petitioners are not named in the FIR and, secondly the entire allegation hinges



around suspicion and petitioners are wife daughter, brother and chachi of Surendra Ram. Learned counsel next submits that petitioners will never evade the law rather they will cooperate in the investigation and will present themselves as and when required by the Investigating Officer for arriving at the truth.

Learned A.P.P. for the State opposes the prayer for anticipatory bail 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 Goraul P.S. Case No. 359 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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 petitioners despite giving assurance to this Court is not cooperating in the investigation or are not making themselves available as and when called, the learned Trial Court



after giving an opportunity of hearing to the petitioners shall pass orders in accordance with law and shall also have the liberty to cancel their bail bonds.

The Trial Court is directed to send the copy of this order to the concerned P.S.

Further, in the event if charge sheet is submitted against the petitioners and thereafter, the learned Trial Court comes to a conclusion that petitioners are trying to delay the trial, then the learned Trial Court shall be at liberty to pass orders in accordance with law and will also have the liberty of canceling the bail bonds of the petitioners.

CRIMINAL MISCELLANEOUS No. 48354 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehend his arrest in a case registered for the offences punishable under Sections 365 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person.

Learned counsel further submits that the informant alleges that his son Amar Kumar alias Munna was living with his relative Ram Chandra Ram of village Mansurpur for the last



few days, further, on 9.09.2021 at about 12:00 noon, his son left Mansurpur for his house at Bakarpur but he did not reached his home, thereafter, a search was made but the victim could not be located, it is next alleged that on account of search there was a delay in instituting the FIR.

Learned counsel also submits that petitioner is neither related to the deceased nor to Surendra Ram and he has been implicated merely on the basis of suspicion when he is not named in the FIR, it is next submitted that co-accused Kaushalya Devi and three others have been granted anticipatory bail by order dated 5.12.2022 in Criminal Misc. No. 38489 of 2022 and thus relies on the said order and submits that anticipatory bail be granted to the petitioner on the same terms and conditions.

Learned A.P.P. for the State opposes the prayer for anticipatory bail 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 Goraul P.S. Case No. 359 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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