

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45550 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

PANKAJ SINGH Son of Ramashankar Singh Resident of Village - Harser,
P.s.- Siwaipatti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

WITH
CRIMINAL MISCELLANEOUS No. 46240 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

RAKESH SINGH @ RAKESH KUMAR SINGH SON OF BRIJ KISHORE
SINGH R/O VILLAGE- HARSHER, P.S.- SAWAIPATTI, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45550 of 2022)

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Ashok Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 46240 of 2022)

For the Petitioner/s : Mr.Smita Kumari

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-12-2022 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.



Learned counsel for the petitioners undertakes to remove the defect(s), as pointed out by the office, within four weeks.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B & 201/34 of the Indian Penal Code.

The petitioners in association of other co-accused is said to have assaulted and tortured in various ways and lastly set ablaze the daughter of the informant.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. As a matter of fact, petitioner-Pankaj Singh is the agnate of the husband of the deceased, whereas petitioner-Rakesh Singh @ Rakesh Kumar Singh is the brother of the husband of the deceased and they have no concern to the family affairs of the deceased or her husband. As they have living separately. There is inordinate and abnormal delay of about five months in lodging the F.I.R. without giving any plausible and cogent explanation for the said delay, which creates serious doubt about the prosecution case. Petitioners



have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, 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 lower Court where the case is pending/successor Court in connection with Siwaipatti P.S. Case No.93 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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