

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59999 of 2021

Arising Out of PS. Case No.-121 Year-2021 Thana- KALYANPUR District- East Champaran

1. HARSH KUMAR @ SWARAJ S/o SANJAY KUMAR R/o MOHALLA-HINDU CHAKIYA, WARD No.6, NAGAR PARISHAD CHAKIYA, P.S-CHAKIA, DISTRICT-EAST CHAMPARAN.
2. RISHIKESH KUMAR S/o SANJAY KUMAR R/o MOHALLA-HINDU CHAKIYA, WARD No.6, NAGAR PARISHAD CHAKIYA, P.S-CHAKIA, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Kalyanpur P.S. Case no. 121 of 2021 instituted for the offence punishable under Sections 302/34 of the Indian Penal Code.

As per allegation in the FIR, father of the informant, namely, Ganesh Ram while refused to take wine, several accused persons including the petitioner started to assault him mercilessly on the order of co-accused Kishori Ram. When the informant tried to rescue his father, he was given threatening of



life by them. Chaukidar informed the local police then police came and found Ganesh Ram died.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. Petitioners are not named in the FIR, which shows about no participation of them in the alleged incident. During investigation in restatement of the informant, petitioners name came into light. From perusal of the postmortem report, it appears that deceased has received one small swelling on the right forehead and in both feet. No apparent mark of injury on his body and cause of death due to heart failure. There is no specific overt act against the petitioner.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Kalyanpur P.S. Case no. 121 of 2021, they will be enlarged on bail on furnishing bail bond of



Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, East Champaran, Motihari subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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