

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6946 of 2021

Arising Out of PS. Case No.-329 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. BHARAT RAJBHAR S/O LATE NANDLAL RAJBHAR R/O VILLAGE-KHANPUR KHAIRATI, P.S-HUSSAINGANJ, DISTRICT-SIWAN.
2. LAXMAN RAJBHAR S/O LATE NATHUNI RAJBHAR R/O VILLAGE-KHANPUR KHAIRATI, P.S-HUSSAINGANJ, DISTRICT-SIWAN.
3. UPENDRA RAJBHAR @ DHARMENDRA BHAR S/O LATE BEER BAHADUR RAJBHAR R/O VILLAGE-KHANPUR KHAIRATI, P.S-HUSSAINGANJ, DISTRICT-SIWAN.
4. VIJAY RAJBHAR S/O TENGARI RAJBHAR R/O VILLAGE-KHANPUR KHAIRATI, P.S-HUSSAINGANJ, DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

5 13-01-2022 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State through video conferencing.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

At the very outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner nos. 1 and 2 have been arrested, as such, this criminal miscellaneous petition has



become infructuous with respect to them.

In view of above submission, this criminal miscellaneous petition is dismissed as withdrawn with respect to petitioner nos. 1 and 2.

So far as petitioner nos. 3 and 4 are concerned, they apprehend their arrest in connection with Hussainganj P.S. Case No. 329 of 2019 registered for offence punishable under sections 302, 201, 120(B)/34 of the Indian Penal Code.

The dead body of Golu Kumar, the son of informant Asha Devi, was recovered from a pokhar and after recovery of the dead body, the informant Asha Devi lodged FIR against ten accused persons named in the FIR. It has been mentioned in the FIR that the elder son of the informant has solemnized inter caste marriage with the daughter of co-accused Shiv Prasad Rajbhar. A panchayati was convened, but the daughter of Shiv Prasad Rajbhar was not ready to go to her native house. The informant has stated that all the accused persons, including the petitioners due to above mentioned motive, committed murder of Golu Kumar and threw his dead body in the pond.

The learned counsel for the petitioner has submitted that the FIR has been lodged after six days of the occurrence merely on the basis of suspicion. None have seen the deceased



going with the accused persons, as such, the link of last seen theory has not been established. He has further submitted that on the similar allegation, two co-accused, namely, Chanda Devi and Kajal Devi have been granted anticipatory bail by the Coordinate Bench of this Court in Cr. Misc. No. 5394 of 2021, vide order dated 22.12.2021.

Considering the above mentioned facts and circumstances, **the petitioner nos. 3 and 4**, in the event of their arrest or surrender, within four weeks from today, are directed to **be released on bail** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Hussainganj P.S. Case No. 329 of 2019, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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