

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63436 of 2021

Arising Out of PS. Case No.-38 Year-2017 Thana- BARUN District- Aurangabad

1. KRISHNA RAM Son of Suresh Yadav Resident of Village Siris, P.S. Barun, District - Aurangabad.
2. Ram Vachan Ram Son of Suresh Yadav Resident of Village Siris, P.S. Barun, District - Aurangabad.
3. Sudama Ram Son of Late Baidh Ram Resident of Village Siris, P.S. Barun, District - Aurangabad.
4. Manoj Ram Son of Ram Varan Ram Resident of Village Siris, P.S. Barun, District - Aurangabad.
5. Sunil Ram Son of Kameshwar Ram Resident of Village Basekhap Raghoulia, P.S. Aurangabad Mufassil, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-06-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

The petitioners apprehend their arrest in connection with Barun P.S. Case no. 38 of 2017 registered under section 302/34 of the Indian Penal Code.

The main submission advanced by learned counsel for the petitioners is that in respect of alleged occurrence, initially, F.I.R was lodged in which names of the petitioners or any other



persons were not disclosed and the said FIR was lodged against unknown persons, even any suspicion was not raised against the petitioners in the said FIR. During course of investigation, police found non-implication of the petitioners in the alleged occurrence and had submitted final form stating the alleged occurrence to be superfluous and thereafter complaint petition was filed on 3.8.2017 in which the informant described as a different story and named the petitioners. Further submission is that in between the petitioner and the deceased land dispute was going on due to which after death of the deceased, present case was fabricated and except suspicion, there is no any legal evidence against the petitioners.

Learned APP opposes the prayer for anticipatory bail.

Heard both sides, perused the FIR and complaint petition as referred by learned counsel for the petitioners. In the present case, initially, investigation was made and conclusion of investigation did not go in favour of prosecution party and between the complaint petition lodged by the informant, deceased' father and FIR which was initially lodged, there is vital contradiction with regard to last seen of the deceased with the petitioners and moreover, investigation has been completed and the court below has taken cognizance on the complaint.



Considering these facts as well as basis of the prosecution which is completely based on suspicion, in my opinion, a lenient view may be taken. Let the above named petitioners, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case no. 38 of 2017 subject to condition as laid down under section 438(2) Cr.P.C.

(Shailendra Singh, J)

s.hassan/-

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