

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70560 of 2021

Arising Out of PS. Case No.-803 Year-2015 Thana- BIHTA District- Patna

1. RAKESH PRASAD @ RAKESH KUMAR Son of Doman Mahto Resident of Village- Laxmanpur, P.S.- Bihta, District- Patna.
2. Mukesh Prasad Son of Doman Mahto Resident of Village- Laxmanpur, P.S.- Bihta, District- Patna.
3. Runa Devi Wife of Rakesh Prasad @ Rakesh Kumar Resident of Village- Laxmanpur, P.S.- Bihta, District- Patna.
4. Jawanti Devi Wife of Mukesh Prasad Resident of Village- Laxmanpur, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

In compliance of the order dated 02.08.2022, the Officer-in-Charge, Bihta Police Station, Officer-in-Charge, Neora Police Station and Investigating officer of the present case along with the deponent of this case are present.

The Officer-in-Charge, Neora Police Station has submitted that the father of petitioner nos. 1 and 2 had a bad character for which he was even ousted from the village, he further submits that even his murder took place while he was in



the village for which a case was instituted by his son Rakesh and in the said case of murder, final form has been submitted

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and father of the petitioner nos. 1 and 2 had instituted the present case alleging that he was assaulted by *lathi* on his head by his son (petitioner no.1) and daughters-in-law were also involved in the occurrence.

Learned counsel for the petitioners submits that no doubt the allegation *prima-facie* appears to be very serious as the father had instituted the case against his sons and daughters-in-laws, it is next submitted that at times in the houses altercations between sons and father do take place but it appears that in the present case the father out of rage and anger instituted the present case. It is next submitted that the father was killed in the year 2019 for which Neora P.S. Case No. 1104 of 2019 was instituted against unknown by petitioner no.1. Learned counsel further submits that mother of the petitioners did not want to pursue the case as she was aware of the reason for which the



present case was instituted by her late husband as such a compromise petition was filed in the learned trial court.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that it absolutely does not stand to reason that how come wife of the deceased without being a party in the proceedings has entered into a compromise.

Be that as it may, 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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihta P.S. Case No. 803 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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