

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1915 of 2022

Arising Out of PS. Case No.-263 Year-2021 Thana- HUSSAINGANJ District- Siwan

1. ASHUTOSH KUMAR Son of Virendra Prasad Resident of Village - Aranda, P.s.- Hussainganj (MH Nagar), Distt.- Siwan, Bihar
2. Rahul Kumar Son of Virendra Prasad Resident of Village - Aranda, P.s.- Hussainganj (MH Nagar), Distt.- Siwan, Bihar
3. Vicky Kumar Son of Virendra Prasad Resident of Village - Aranda, P.s.- Hussainganj (MH Nagar), Distt.- Siwan, Bihar
4. Virendra Prasad Son of Late vishun Shah Resident of Village - Aranda, P.s.- Hussainganj (MH Nagar), Distt.- Siwan, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra

For the Opposite Party/s : Mr. Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-08-2022 Heard learned counsel for the petitioners and learned
APP for the State and perused the case diary.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 304, 505 and 506/34 of the Indian Penal Code.

Prosecution case is that the son of the informant took Rs.20,000/- from Ashutosh Kumar (petitioner) and Rahul Kumar (petitioner no.2) transferred the amount in the account of her son, namely, Abhimanyu Kumar Agrawal and thereafter they pressurized the informant to return the money as a cheque



of Abhimnany Kumar Agrawal handed over to them dishonoured and thereafter they reached at their house and slapped to the husband of the informant, namely, Ganesh Sah, due to which, he fell down and died.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that the material ingredients is not warranting invocation of Section 304 of IPC because the intention of the petitioners was not to harm the deceased causing his death as well as there is delay of more than 23 hours between lodging the FIR and the death of the deceased but the explanation about it is missing which falsify the prosecution case. He further submits that the petitioners had no any internal or external injury present on the body of the deceased ascertaining the cause of his death . It is lastly submitted that a good sense has prevailed between the parties as is evident from the supplementary affidavit kept at flag-A of the petition.

Learned APP appearing for the State opposed the anticipatory bail.

Considering the aforesaid submissions, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-IX, Siwan in connection with Hussainganj (MH Nagar) P.S. Case No. 263 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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