

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15738 of 2023

Arising Out of PS. Case No.-600 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

1. MALA DEVI Wife of Ganesh Sah
2. Raja Sah @ Raja Kumar Son of Ganesh Sah
Both Resident of Mungeriganj, Police Station - Nagar, District - Begusarai.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Begusarai Town P.S. Case No. 600 of 2019 instituted under Sections 328, 304/34 of the Indian Penal Code lodged on 10.10.2019 by the informant Priyanshu Kumar.

As per the prosecution story, on 10.10.2019 at 5.00 PM total seven named accused persons including petitioners came to the house of informant, Priyansh Kumar alias Sanni Kumar by white coloured Scorpio and asked the informant's father, Anil Kumar Singh to accompany them to see the idol immersion. The informant's father refused but was forcibly taken by them. When the informant's father did not return, then the informant and his family members searched his father but



failed to locate him. At about 6.30 P.M. informant came to know that one dead body has come in the hospital. Informant and his family members arrived there and identified the dead body of his father. There was land dispute between informant and all accused persons. Thus informant alleged that the accused persons have committed murder of the father of the informant. Accordingly the FIR.

It has been submitted by the learned counsel for the petitioners that earlier the police had submitted final form exonerating the petitioners from the case but later cognizance has been taken in the matter. The further submission is that they do not have criminal antecedent and similarly placed co-accused have been granted relief vide Annexure-2 in Cr. Misc. No.62539 of 2022 (Mukesh Kumar & Anr. vs. State).

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the aforesaid submissions as also that similarly placed co-accused have been granted the relief as stated above, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Begusarai Town P.S. Case No. 600 of 2019 to the satisfaction of learned Judicial Magistrate- 1st Class, Begusarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make himself available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

U		T	
---	--	---	--

