

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21670 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- PATAHI District- East Champaran

1. MAHESH SAH Son of Late Ramashish Sah R/o Village - Barka Balua, P.S.- Patahi, District - East Champaran.
2. Guddu Sah Son of Mahesh Sah R/o Village - Barka Balua, P.S.- Patahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the petitioner no. 1 is a senior citizen aged about 70 years and petitioner no. 2 is his son. The learned counsel further submits that there was a dispute between the informant and the petitioners who are neighbours. It is next submitted that informant's twelve years old son lured by the petitioners on pretext of giving chocolates



and when he entered the petitioner's house he was shoved into the *hadamba* machine and thus died and the accused persons including the petitioners were trying to conceal the dead body of the informant's son. The learned counsel further submits that an accidental death has been portrayed as a murder in the FIR on account of dispute which was prevailing between the informant and the petitioners being neighbours, it is further submitted that it absolutely defies all logic, wisdom and reasonable human behaviour that petitioners being neighbours of the informant would have committed such an occurrence inside their own house when it is alleged that the informant had seen the petitioners asking his son to come inside their house, it is next submitted that no prudent person would commit such an act inside the house and thus would create evidence against themselves as it is difficult to conceal a dead body so brutally cut by the machine. The learned counsel next submits that informant on coming to know that his son met an accidental death and was not murdered, he filed a compromise before the learned Trial Court.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Patahi P.S. Case No. 236 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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