

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22440 of 2023

Arising Out of PS. Case No.-156 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

1. AJAY KUMAR SON OF MOSAFIR PRASAD R/O VILLAGE-EKDERVAN, EKTERVAN, P.S.- BAIKUNTHPUR, DISTRICT-GOPALGANJ, BIHAR
2. PRABHAT KUMAR SON OF MOSAFIR PRASAD R/O VILLAGE-EKDERVAN, EKTERVAN, P.S.- BAIKUNTHPUR, DISTRICT-GOPALGANJ, BIHAR
3. UDAY KUMAR SON OF MOSAFIR PRASAD R/O VILLAGE-EKDERVAN, EKTERVAN, P.S.- BAIKUNTHPUR, DISTRICT-GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 08-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. The informant alleges that her father's Bua was issueless and was residing with her family, next alleges that few days back her father's Bua had registered some land in favour of her mother which annoyed her *pattidars*. It is thus alleged that



the petitioner on 05.06.2022 at 03:00 p.m. came to the house of her father's Bua and assaulted her by Kulhari causing her injury and subsequently she died.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation is in two parts. In the first part the informant alleges that her father's Bua, who was issueless, was staying with her and in the second part she alleges that the accused persons on 05.06.2022 entered the house of her father's Bua and committed the occurrence which amply demonstrates that her father's Bua was not residing in the same house in which the informant was residing rather she was staying in a house which was adjacent to the house of the informant as such from the tenor of the allegation it appears that the informant is not an eyewitness to the occurrence. It is next submitted that the informant alleges that her father's Bua had already registered sale deeds in favour of her mother as such no useful purpose would have been served by the petitioners killing her father's Bua as the land would not revert back to them as the land stood already registered in favour of mother of the informant. It is thus submitted that since the petitioners are



pattidars of the informant and Bua still had some property left as such in order to coerce them into submission the present false case came to be instituted. However, it is further submitted that petitioners will not abscond rather will present themselves as and when required by the investigating officer of the case for eliciting the truth and proving their innocence.

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

7. 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.10,000/- (Rupees Ten 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 Baikunthpur P.S. Case No. 156 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioners despite giving assurance to this Court are not cooperating in the investigation or are not



presenting themselves when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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