

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.34796 of 2023**

Arising Out of PS. Case No.-178 Year-2014 Thana- VIDYAPATINAGAR District-  
Samastipur

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1. Sunny Singh @ Rithik @ Rithik Raj Son Of Mohan Singh R/O Village-Sahit, P.S- Vidyapatinar, Distt.- Samastipur.
  2. Manni Singh @ Mani Kumar Singh Son Of Mohan Singh R/O Village-Sahit, P.S- Vidyapatinar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate  
For the Opposite Party/s : Mr. Lalan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
ORAL ORDER

3      25-07-2023                      Heard Mr. Surendra Kumar Thakur, learned counsel  
  
appearing on behalf of the petitioners and the learned APP for  
  
the State.

2. The petitioners are apprehending their arrest in  
connection with Sessions Trial No. 285 of 2016 arising out of  
Vidyapatinar P.S. Case No. 178 of 2014 registered for the  
offence punishable under Sections 302 and 201/34 of the Indian  
Penal Code.

3. It is alleged that in the morning of 20.09.2014, the  
village Chowkidar found a dead body hanging on a tree in the  
field of Mohan Singh. The dead body was identified as of Ram  
Bharos Singh. The informant suspected that after killing the



deceased, the unknown persons have hanged the dead body on the tree to give it a colour of suicide. After investigation, the police submitted charge-sheet against Mohan Singh, from whose orchard the dead body was recovered. During the course of trial, PW 2 testified that on the alleged date of occurrence, the petitioners were also present at the place of occurrence and he identified them in torch light. It has also come that the deceased had executed a sale deed in favour of Mohan Singh, but despite the land being transferred accused Mohan Singh was not paying the money, which led to his murder. Likewise, PWs 3, 4 and 5 also stated about the involvement of the petitioners, who are sons of Mohan Singh about their involvement in killing of the deceased. Having taken note of the deposition of the witnesses, the prosecution has filed an application under Section 319 of the Cr.P.C. and the learned trial Court vide order dated 16.12.2022 issued summons against them, hence, the present application on behalf of the petitioners, who are apprehending their arrest.

4. Learned counsel appearing on behalf of the petitioners submits that surprisingly all the witnesses, whose statements were recorded during investigation, they have not whispered about the involvement of the petitioners before the Investigating Officer, however, for the first time they deposed



before the Court and testified about the involvement of the petitioners and, as such, their evidences do not appear to be trustworthy. He next submitted that the petitioners are persons of clean antecedent, as earlier there had been a case which resulted into acquittal.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application and submits that the witnesses have consistently deposed regarding the involvement of the petitioners.

6. Having heard the submissions made on behalf of the parties and considering the facts that for the first time witnesses have deposed before the Court with regard to the involvement of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Dalsingsarai, Samastipur in connection with Vidyapatnagar P.S. Case No. 178 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further conditions:

(i) One of the bailors shall be the own/close family



members of the petitioners.

(ii) They will fully co-operate in the trial till its conclusion.

**(Harish Kumar, J)**

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