

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27177 of 2023

Arising Out of PS. Case No.-110 Year-2022 Thana- BAJPATTI District- Sitamarhi

1. SURESH KUMAR @ SURESH RAI son of Bishundev Rai Village- Basha Ps- Bajpatti Dist- Samastipur
2. Desil Rai son of Late Saryug Rai Village- Basha Ps- Bajpatti Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2023 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.

The informant alleges that the accused persons including the petitioners came and threatened her to vacate the house or she would be killed on which she fled and was going to the police station when on the way she got a call informing that the accused persons have killed her daughter by strangulation.

The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been



falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that there is a dispute relating to the house in which the informant is staying, it is next submitted that the informant alleges that the accused persons came and threatened her to vacate the house on which she fled and was going to the police station, as such, the informant is not an eye witness to the occurrence, it is also submitted that it absolutely does not stand to reason that if accused persons in large number were present in the house they why the informant fled leaving her daughter alone. It is next submitted that the informant also does not disclose who called her and gave information about the occurrence. It is further submitted that petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the investigating officer of the case for eliciting the truth.

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 Bajpatti P.S. Case No. 110 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioners despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners forthwith after recording reasons.

Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

Further, it is made clear that in the event, if charge-sheet is submitted connecting the petitioners with the offence then the present anticipatory bail order shall come to an end.

(Satyavrat Verma, J)

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