

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29407 of 2023

Arising Out of PS. Case No.-463 Year-2022 Thana- SIDHWALIYA District- Gopalganj

1. SHASHI KEDIA SON OF LATE RAM AVTAR PRASAD KEDIA R/O WARD NO. 10, BHARAT SUGAR MILLS, P.O.- SIDHWALIA, P.S.- SIDHWALIA, VILLAGE BUCHAIYA, DISTRICT- GOPALGANJ, BIHAR-841423
2. ASHISH KHANNA SON OF LATE DR. R.N. KHANNA R/O G-86, NASHRA CAMPUS, FRONT ROAD, NEAR SRIVASTAV BHOJNALAY, SANJAY GANDHI PURAM, INDRA NAGAR, P.O.- INDIRA NAGAR, P.S.- GAZIPUR, LUCKNOW-226016
3. KARAN PRATAP SINGH @ KARAN SINGH SON OF SRI KRISHNA BIHARI SINGH R/O VILLAGE- GIDDHA, P.O.- GIDDHA, P.S.- KOILWAR, DISTRICT- BHOJPUR, BIHAR-802314

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Sumit Kumar Jha, Advocate Mrs. Riya Giri, Advocate
For the Opposite Party/s :		Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 06-11-2023 Heard Mr. Y.V. Giri, learned senior counsel assisted by Mr. Sumit Kumar Jha, learned Advocate for the petitioners and Mr. Dilip Kumar No.1, learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 328 & 302/34 of the Indian Penal Code.

3. The allegation against the petitioners is that they killed the deceased by administering him poisonous substance on the row over challan of sugarcane.

4. It is submitted by learned counsel for the petitioners that no



such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that informant, who is the son of the informant, is not an eye witness of the occurrence, has himself admitted that the information regarding the death of his father was provided through the phone number of his father from the guesthouse of the said Sugar Mill. It is further submitted that there is abnormal delay of four days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner no.1 has three criminal antecedents, whereas petitioner nos.2 and 3 have no criminal antecedent, as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. In compliance of the order dated 18.10.2023, the present and previous Investigating Officers of this case are present before the Court. The present Investigation Officer of this case submits that he has enquired the CDR which number has been mentioned in the F.I.R. but there is no evidence of talking between the parties. He further submits that on enquiry, it is found that the deceased was a member of the said Sugar Mill.



7. Having regard to the facts and circumstances of the case, 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 six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Sidhwalia P.S. Case No.463 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. The personal appearance of previous and present Investigation Officers is dispensed with.

(Anjani Kumar Sharan, J)

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