

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36798 of 2022

Arising Out of PS. Case No.-161 Year-2020 Thana- SURYAPURA District- Rohtas

1. SUNIL SINGH @ SUNIL KUMAR SINGH Son of Paras Nath Singh Resident of Village - Pawaran, P.S.- Suryapura, District - Rohtas.
2. Anantu Singh Son of Paras Nath Singh Resident of Village - Pawaran, P.S.- Suryapura, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-07-2023 Heard learned Senior 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, 201 and 34 of the Indian Penal Code.

The informant alleges that he received secret information that Anil Singh suspected the character of his daughter, thus killed her and the dead body was being cremated with the help of accused persons along with the petitioners, accordingly, the police was informed and thereafter police reached the place of occurrence from where Anil Singh was apprehended and other accused fled and remains of the dead



body was also recovered.

Learned Senior counsel for the petitioners submits that the petitioner no. 1 has antecedent of one case and petitioner no. 2 has antecedent of two cases, it is next submitted that petitioners have been falsely implicated in the present case being own brothers of Anil Singh, it is next submitted that the informant alleges that Anil Singh was suspecting the character of his daughter, on account of which he killed her, but then it is not alleged that even petitioners participated in the killing, it is also submitted that at best it is a case under Section 201 of the India Penal Code with respect to the petitioners which is bailable.

The learned Senior counsel next submits that the FIR itself discloses that Anil Singh was staying on rent in Bikramganj and the occurrence was also committed there and thereafter the dead body was brought to Village Pawara for cremation, as such, the petitioners were completely unaware that what had transpired in between Anil Singh and his daughter and they were not even aware that Anil Singh had killed his daughter.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that from perusal



of the allegation as alleged in the FIR it would manifest that the same does not even remotely suggest that the occurrence took place at Bikramganj and the body was brought to Village Parawa for cremation, it is further submitted that since Anil Singh was suspecting the character of his daughter, as such, she was killed, it is also submitted that when police reached the place of occurrence, the accused persons fled.

Learned Senior counsel rebuts the submission of the learned A.P.P. and submits that even presuming what has been alleged is true without admitting then the allegation of killing the deceased is not against the petitioners, it is further submitted that since the FIR has been instituted by the *chowkidar*, as such, the *chowkidar* was recognizing the petitioners also, it is thus submitted that if the petitioners would have present at the place of cremation then definitely the *chowkidar* would have alleged that the petitioners fled but then it is alleged that on seeing the police force some unknown persons fled from the place of occurrence.

Learned Senior counsel reiterates the submission and submits that at best it is a case under Section 201 of the Indian Penal Code but then in the facts of the case even Section 201 of the Indian Penal Code is also not made out against the



petitioners. It is further submitted that Anil Singh who was apprehended from the spot has been granted Regular Bail by order dated 23.02.2022 in Cr. Misc. No. 34540 of 2021 and one Sunil Singh has been granted Regular Bail by order dated 25.02.2023 in Cr. Misc. No. 65470 of 2022. It is thus submitted that no justifiable purpose would be served by sending the petitioners to jail in the nature of allegation as alleged.

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 Suryapura P.S. Case No. 161 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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