

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40200 of 2023

Arising Out of PS. Case No.-734 Year-2016 Thana- KANKARBAG District- Patna

1. Bittu Kumar Singh Son Of Manoj Kumar Singh Resident Of Village -Pachrukhwa, Ps -Mashrakh, Distt- Patna
2. Sonu Kumar Singh Son Of Manoj Kumar Singh Resident Of Village -Pachrukhwa, Ps -Mashrakh, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Ranjan
For the State	:	Mr. Khurshid Anwar
For the Informant	:	Mr. Amit Singh
		Mr. Ranvijay Narain Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-10-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State assisted by learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 120B, 34 of the Indian Penal Code.

3. As per the prosecution case, the informant alleged that his son along with the petitioners had taken flat on rent and was preparing for competitive exam along with his other roommates. It is further alleged that informant has made several call to his son on his mobile phone between 1 P.M. to 2 P.M., but at 2 P.M. one of his friends received call and informed the



informant that the condition of his son is serious and they brought the him to the hospital, the informant further made another call and after some time he was informed that his son had died.

4. Learned counsel for the petitioners submits 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. He submits that there is no eye-witness in the present case, only on the basis of suspicion petitioners have been made accused in the present case. He submits that there is no specific overt act against the petitioners. He also submits that there is no evidence against the petitioners in the case diary. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for anticipatory bail and submitted that the petitioners have been made accused in the present case in 2016 itself, but the petitioners have not filed anticipatory bail application. When the informant filed Criminal Writ, then the petitioners have filed anticipatory bail application.



6. Having regard to the facts and circumstances of the case, argument of the parties, perusal of record including the case diary and the fact that there is no specific overt act against 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 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 Kankarbagh P.S. Case No.734 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Petitioners are directed to cooperate in the trial and, if the petitioners will not appear on two consecutive dates, then the informant would be at liberty to file the application for cancellation of their bail.

(Anjani Kumar Sharan, J)

anand/-

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