

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41197 of 2023

Arising Out of PS. Case No.-52 Year-2015 Thana- NAUBATPUR District- Patna

1. Ram Padarath Singh @ Ram Padarath Prasad Singh Son Of Late Ram Kinkar Prasad Singh Resident Of Village - Tarwan, P.S. - Naubatpur, Distt. - Patna
2. Krishna Kumar Sharma Son Of Late Ram Kinkar Prasad Singh Resident Of Village - Tarwan, P.S. - Naubatpur, Distt. - Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishikant
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-08-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 302, 201 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of seven cases and the informant alleges that she saw the accused persons including the petitioners holding her husband and other named accused persons were trying to strangulate him on which, she raised an alarm when accused threw her husband along with Baleshwar



Ram, who was killed from before in a canal and fled from where their dead body was recovered.

4. The learned counsel for the petitioners submits that the easiest way to deal with this anticipatory bail application is to reject it at the outset in the nature of allegation as alleged in the F.I.R., but then, that would amount to travesty of justice. It is next submitted that though petitioners are carrying criminal antecedent of seven cases, but then, all the cases have been instituted by the family members of the informant as it has been detailed in Para-16 of the anticipatory bail application.

5. It is next submitted that petitioner no.1 is a retired Principal of M. M. College, Bikram under Patliputra University and petitioner no.2 is a retired Headmaster and retired from a Government Middle School, Naubatpur. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that the accused persons including the petitioners came at her residence and asked her husband Sanjit Yadav to accompany them and the husband of the informant accompanied them and proceeded towards Vikash Brick-Kiln, when it is alleged that present occurrence came to be committed, which was witnessed by the informant.



6. The learned counsel next submits that it absolutely does not stand to reason that had there been such animosity as is being alleged in the F.I.R., then definitely the husband of the informant would not have accompanied the petitioners. It is next submitted that the present F.I.R. arises from a complaint. The learned counsel next draws the attention of the Court to Annexure-3 to the anticipatory bail application to contend that Naubatpur P. S. Case No.511 of 2014 dated 07.10.2014 was instituted by one Dinesh Ram, who is own brother of Baleshwar Ram whose dead body was also found along with Sanjit Yadav, the husband of the informant. It is next submitted that Dinesh Ram in the F.I.R. had alleged that on 07.10.2014 at about 3.00 P.M. Baleshwar Ram along with Sanjit Yadav had gone towards the canal and Sanjit Yadav slipped and fell in the canal and was drowning and his elder brother Baleshwar Ram in order to save him, jumped, but both of them died. The learned counsel thus submits that it is not in dispute that Sanjit Yadav and Baleshwar Ram died, but then, the date of occurrence is 07.10.2014 for which brother of Baleshwar Ram has already instituted Naubatpur P. S. Case No. 511 of 2014 wherein the cause of death as stated is completely different from what is being alleged in the present F.I.R. It is next submitted that even the



complaint petition came to be filed on 02.12.2014 i.e. after a delay of nearly more than 55 days of the occurrence, which cast an aspersion on the case of the prosecution in the background that informant and the petitioners are having land dispute for which, the petitioners have been implicated in seven cases from the side of the informant as detailed in Para-16 of the anticipatory bail application.

7. Learned A.P.P. opposes the bail application.

8. 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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Danapur, Patna in connection with Naubatpur P. S. Case No.52 of 2015, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

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