

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51563 of 2023

Arising Out of PS. Case No.-46 Year-2019 Thana- PASRAHA District- Khagaria

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1. Dhyan Chandra Son of Ambika Prasad Singh Resident of village - Sondiha, P.S. - Pasraha, Distt. - Khagaria
 2. Abhishek Kumar Son of Bhushan Singh Resident of village - Sondiha, P.S. - Pasraha, Distt. - Khagaria
 3. Ankit Kumar @ Gyan Chandra Son of Ambika Prasad Singh Resident of village - Sondiha, P.S. - Pasraha, Distt. - Khagaria
 4. Ambika Prasad Singh Son of Late Natho Singh Resident of village - Sondiha, P.S. - Pasraha, Distt. - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Kumari W/o Ramesh Kumar Ranjan Resident of village - Mahaddipur, P.S. - Pasraha, Distt. - Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 53 C /2021 arising out of Pasraha PS Case No. 46 of 2019, G.R. No. 1090 of 2019, registered for the offence punishable under Sections 201 and 302/34 of the Indian Penal Code.

3. The allegation is that the informant's son has been done to death by these petitioners while he was visiting Patna



and with the intent of covering up the crime, the body has been thrown in the river.

4. It is submitted by the petitioners' counsel that the death of the victim occurred on 07.06.2018 which led to lodging of a UD case no. 02 of 2018 on 14.06.2018. The investigation culminated in submission of the final form based on the postmortem report and material collected in the course of investigation that the victim had died because he drowned while bathing in the river Ganges. On a protest petition, a fresh compliant case has been instituted. The same is based on extraneous considerations and is otherwise also false, which is apparent from the fact that the victim's father has obtained the amount of compensation of Rs. 4 lacs by claiming that his son drowned in the river Ganges while bathing, which is apparent from the report of Circle Officer, supporting the claim of the victim's father. The report is dated 17.12.2018. Bill showing payment of the compensation amount is also annexed as part of the bail application. The petitioner Nos. 1, 2 and 3 are young students pursuing their career, as per details stated in the bail application and the petitioner no.4 is the father of the petitioner Nos. 1 and 3. The entire family has been made accused on extraneous consideration.



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

6. Considering the rival submissions, final form submitted by the police post investigation, the documents in support of the claim/ compensation submitted by the victim's father and the clean antecedents of the petitioners, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM 1st Class Khagaria, in connection with Complaint Case No. 53 C /2021 arising out of Pasraha PS Case No. 46 of 2019, G.R. No. 1090 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is



related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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