

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52547 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- CHHATAUNI District- East Champaran

1. BABU LAL RAI Son of Late Shiv Lochan Rai Resident of Village - Laxamipur, P.S.- Lakhaura, District - East Champaran.
2. Sudist Yadav @ Sudhish Yadav Son of Babu Lal Rai Resident of Village - Laxamipur, P.S.- Lakhaura, District - East Champaran.
3. Manish Kumar @ Manish Rai Son of Babu Lal Rai Resident of Village - Laxamipur, P.S.- Lakhaura, District - East Champaran.
4. Ranjit Kumar @ Ranjit Rai Son of Babu Lal Rai Resident of Village - Laxamipur, P.S.- Lakhaura, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar
For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 22-06-2023 Heard learned 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 341, 323, 307, 279, 338 and 34 of the Indian Penal Code.

The informant alleges that on 29.03.2022 at 9:30 am while she along with her husband and children were going to Court on an Auto and when they reached near the railway crossing, they found the gate closed, accordingly, they left the Auto and started moving on foot towards the Court, it is next submitted that, thereafter, the accused persons, including the petitioners, came on motorcycle and dashed the husband of the informant and fled away, it is next submitted that the husband of the informant died during the course of



treatment in Sadar Hospital Motihari.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. The date of occurrence is 29.03.2022 and the FIR came to be instituted on 31.03.2022, based on a written application of the informant, it is next submitted, what has been alleged in the FIR is true, then definitely the Hospital would have informed the police that an accident case has been reported and the patient has been admitted in the Hospital but then the same was not done which further casts an aspersion on the prosecution case. It is further submitted that the petitioner No. 1 is own brother of the deceased but then the relationship between the petitioner No. 1 and the deceased is concealed in the FIR that further creates an impression that the informant for some ulterior reasons, was trying to falsely implicate the petitioners as petitioner No. 2 to 4 are sons of petitioner No. 1. It is next submitted that though it has been alleged in the FIR that the accused threatened and uttered that if the deceased would be alive then only he will contest the case but then there was no dispute between the petitioners and the deceased, it is next submitted that the informant is the second wife of the deceased and she was having an affair and on account of which the occurrence took place inside the house as during the course of investigation also, none of the witnesses have come forward to



support the case of the prosecution that the occurrence took place at the place of occurrence as described in the FIR.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 Chhatauni P.S. Case No. 183 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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