

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49810 of 2023

Arising Out of PS. Case No.-617 Year-2021 Thana- BIDUPUR District- Vaishali

1. Sarvesh Singh S/O Sagar Singh R/O Village- Mathura Ps. Bidupur, Dist. Vaishali
2. Rajesh Singh S/O Sagar Singh R/O Village- Mathura Ps. Bidupur, Dist. Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56876 of 2023

Arising Out of PS. Case No.-617 Year-2021 Thana- BIDUPUR District- Vaishali

1. Jannu Ray Son Of Radhekrishna Ray Resident Of Village - Paharpur, Ps- Judawanpur, Distt- Vaishali
2. Sokindra Ray @ Satyendra Rai Son Of Devendra Ray Resident Of Village - Paharpur, Ps- Judawanpur, Distt- Vaishali
3. Karu Ray Son Of Radhekrishna Ray Resident Of Village - Paharpur, Ps- Judawanpur, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49810 of 2023)

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 56876 of 2023)

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-10-2023 As both these applications arise from same P.S. case number. Hence, with consent of parties, heard together and disposed off by this common order.



2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

4. Prosecution case in short is that the informant's son was sleeping at his tea shop. In the early morning, petitioners alongwith others killed the informant's son by strangulating his neck by wooden stick and rope. The cause of occurrence is stated to be land dispute.

5. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. Petitioner no.1 has one criminal antecedent, petitioner no.2 has two criminal antecedent as mentioned in para-3 of this application and petitioners namely, Jannu Ray, Sokindra Ray @ Satyendra Rai and Karu Ray have clean antecedent. He further submits that there is no specific allegation of overt-act against the petitioners and no eye witness in the present case and only on the basis of suspicion the petitioners have made accused in the present case. It is further submitted that the informant had not seen anybody killing the deceased, he only saw the accused persons fleeing away from the tea shop of the informant.



Further, it is submitted from para-9 of this petition that it has come in paragraph no. 9 of the case diary, which is the statement of independent witness that informant had three sons, namely, Manjay Singh, Munna Singh and Raju Singh (deceased). Manjay Singh was married with Manita Devi (her daughter-in-law). When the fact of illicit relation came in the knowledge of Manjay Singh, he committed suicide by hanging and the second son of informant Munna Singh left his house and did not return yet. After some time, the informant performed second marriage of his daughter-in-law namely Manita Devi with his 3rd Son Raju (deceased). The informant continued his illicit relation with his daughter-in-law. It is further come in para no. 14, 28 and 35 of the case diary that due to illicit relation of the informant with his daughter-in-law, the wife and 1st son of the informant committed suicide and lastly the 3rd son (deceased) also committed suicide by hanging and the rope used in the hanging was recovered from the roof of the informant. It is apparent from para-35 of the case diary that no one supported the prosecution case. Similarly situated co-accused, namely, Uma Shankar Singh @ Shankar Singh and Malti Devi @ Manti Devi have been enlarged on regular bail by a co-ordinate bench of this court vide order dated 16.02.2023 passed in Cr. Misc.



No. 60204 of 2022.

6. Learned APP for the State opposes the prayer for anticipatory bail.

7. Having regard to the facts and circumstances of the case, let the above named petitioner no. 2, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bidupur P.S. Case No. 617 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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