

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11274 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- DUMRA District- Sitamarhi

1.

Ram Bachchan Sah S/O- Late Ramhit Sah R/O- Village- Kethariya, P.S.- Dumra, Dist.- Sitamarhi
2.

Bimlesh Sah S/O- Ram Bachchan Sah R/O- Village- Kethariya, P.S.- Dumra, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s

:

Mr. Devendra Kumar, Adv.

For the Opposite Party/s

:

Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2

12-03-2024

Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Dumra P.S. Case No. 371 of 2023, dated 29.07.2023 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per prosecution case, in first fold of prosecution story, the informant’s son is said to have seen three co-accused Mukesh Rai, Mukesh Sah and Lalji Sah, escaping away from the place of occurrence and his father was found in the pool of blood having sustained gun shot injury and in the second fold of prosecution story, it is alleged that petitioners and others are said to have committed the murder in pre-planned way and the informant’s husband has been killed.

4. Learned counsel for the petitioners submits that the prosecution story is in two folds which is narrated by the informant herself. From the perusal of story of prosecution, it is quite clear that there is no eye witness of the alleged occurrence, though the informant's son is said to have seen three co-accused namely Mukesh Rai, Mukesh Shah and Lalji Sah escaping away from the place of occurrence, while his father sustained gun shot injury. In the second fold of the F.I.R., the allegation is made against two petitioners along with others. Though, there is no direct evidence available against the petitioners. They were not seen at the place of occurrence but it is said that informant's husband (since deceased) was being threatened by petitioner and others for giving verdict of *panchayat* in their favour and on account of said reason, the petitioners and other have been made accused in the present case and there is no any material that the complain has been made against the petitioners, who have threatened for giving the verdict of *panchayat*. In this way, all the allegations are baseless and vague against the petitioners. The petitioners have no criminal antecedent. He further submits that petitioner no. 1 is father of petitioner no. 2 and they have falsely been implicated in this case only on the basis of suspicion as they are related with co-accused Mukesh Shah and Lalji Sah who were allegedly seen, escaping from the place of

occurrence.

5. Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioners and also signifies that though, there is no direct evidence against the present petitioners but their involvement cannot be denied outrightly.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the materials available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 371 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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