

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9990 of 2024

Arising Out of PS. Case No.-143 Year-2020 Thana- MAHNAR District- Vaishali

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1. GOLU KUMAR @ GOLU PASWAN S/O- VISHWANATH PASWAN R/O- VILLAGE- ALIPUR HATTA, P.S.- MAHNAR, DIST.- VAISHALI.
 2. SURAJ PASWAN @ ADITYA RAJ S/O- RAJ KUMAR PASWAN R/O- VILLAGE- ALIPUR HATTA, P.S.- MAHNAR, DIST.- VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2024 Heard Mr. Bhola Prasad, learned Counsel for the
petitioners and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Mahnar P.S. Case No. 143 of 2020 for the offence registered under sections 302, 201 and 34 of the Indian Penal Code lodged on 15.05.2020 by the informant, Madhuri Devi.

3. As per the prosecution story, the informant has alleged that her son had gone to take bath along with the present petitioners and other friends and died due to drowning which led to lodging of UD Case No. 03 of 2020. Subsequently, the Doctor opined in the post-mortem report about throttling as the cause of death and suspecting their role, the FIR.



4. Learned Counsel for the petitioners submit that they are young boys, were friends, all of them had gone to take bath, unfortunately, one of their friend died and now the informant has implicated them. They are students and nothing to do with the alleged act.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid facts as also that they are young boys of 20 years, do not have criminal antecedents and are students, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 143 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;



(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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