

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17801 of 2024

Arising Out of PS. Case No.-16 Year-2014 Thana- SAHEBGANJ District- Muzaffarpur

1. Ravi Kumar @ Avinash Kumar Singh @ Avinash Kumar S/O Mahesh Singh R/O Village- Paharpur Manorath, P.S- Sahebganj, Distt.- Muzaffarpur.
2. Jitesh Kumar S/O Prabhu Baitha R/O Village- Paharpur Manorath, P.S- Sahebganj, Distt.- Muzaffarpur.
3. Prince Kumar @ Priyadarshi Kumar S/O Ashok Kumar Singh @ Ashok Kumar @ Ashok Kunwar R/O Village- Paharpur Manorath, P.S- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. A kshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Sahebganj P.S. Case No. 16 of 2014 dated 16-01-2014, instituted for the offence punishable under Sections 364, 302 and 201/34 of the Indian Penal Code.

3. The case of the prosecution, in short, is that on 14-01-2014 informant's son was gone for study, but he did not return. On search, informant's brother told him that they had seen his son with Suresh Paswan. On query, Suresh Paswan told the informant that his son was with him in the evening, but he



does not know the present whereabouts of his son. In course of investigation, the dead body of informant's son was recovered and the postmortem report stated that the deceased died due to asphyxia as a result of strangulation.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that FIR has lodged only against co-accused, namely, Suresh Paswan. During investigation, Suresh Paswan had confessed before the police and took the name of the petitioners as one of his accomplices in the murder. The police has submitted charge sheet on 05-04-2014 only against co-accused, namely Suresh Paswan. It is further submitted that on 11-03-2019 the prosecution has filed a petition under Section 319 Cr P C, but the same was not pressed due to pandemic period and hence the petition was dismissed on 12-03-2020. Thereafter, the prosecution has again filed a petition on 01.11.2021 under Section 319 of the Cr P C and since the petition has been allowed on 04.08.2023, accordingly, notices have been issued against the petitioners for their appearance. Thereafter, the petitioners have moved before this Court for grant of anticipatory bail. It is submitted that on perusal of the depositions of witnesses, all the witnesses have stated that the



deceased was last seen with the petitioners and others, thus, the implication against the petitioners is based on circumstantial evidence and the last seen evidence. From perusal of the order dated 08-02-2024, passed in ABP No. 4797 of 2023, it appears that learned Sessions Judge, Muzaffarpur, has rejected the application of the petitioners on the ground that deceased was last seen with the petitioners. Lastly, it is submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Sahebganj P.S. Case No. 16 of 2014, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 11th Additional Sessions Judge, Muzaffarpur, or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on



their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U		T	
---	--	---	--

