

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22407 of 2024

Arising Out of PS. Case No.-1234 Year-2023 Thana- MADHEPURA District- Madhepura

1. Ranjan Chaudhary @ Ranjan Kumar Chaudhary Son of Vinay Chaudhary Resident of Village- Sakarpura, Ward No.-4, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura
2. Sarovar Prasad Yadav @ Sarovar Yadav Son of Mithan Yadav Resident of Village- Sakarpura, Ward No.-4, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal Sr. Adv
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioners and learned
APP for the State along with learned counsel for the OP No. 2.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned senior counsel Mr. N.K. Agrawal, appearing on behalf of the petitioners submits that petitioners are persons with clean antecedent and have falsely been implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence is gruesome as three



members of a family are alleged to have been killed. It is next submitted that in the easiest way to deal with this anticipatory bail application is to reject it at the outset in the nature of allegation as alleged in the FIR ,but then that would amount to travesty of justice.

4. It is further submitted that the informant alleges that he was working in a private firm at Hyderabad and on 18.12.2023, he received information on his phone that his mother, father and brother have been killed, accordingly, he reached his village on 20.12.2023 and saw the dead body of his father, mother and brother which was brought after post mortem thereafter, he inquired about the occurrence and based on suspicion implicated 24 persons alleging that they being relatives on account of dispute relating to property have committed the occurrence, further also alleges that on 17.12.2023, he was threatened by Bablu Sah that his family would be killed along with him by the help of Amerendra and other FIR named accused. The learned senior counsel submits that what is not in dispute rather stand admitted is that, the informant is not an eye witness to the alleged occurrence and he was at Hyderabad at the relevant time when the occurrence is alleged to have taken place. It is further submitted that the



informant does not disclose that as to who informed him about the occurrence, which cast as an aspersion on the case of the prosecution. It is also submitted that during the course of investigation, the statement of Deepmala Kumari, was also recorded, who is Bhabhi of the informant and wife of the deceased brother, who stated before the police that she has seen the occurrence and named 8 accused persons along with unknown accused persons of having committed the occurrence but did not take the name of these petitioners.

5. The learned senior counsel next submits that if Deepmala was an eye witness to the occurrence which took place on 18.12.2023, then why she did not institute the instant FIR which further cast an aspersion on the case of the prosecution. It is also submitted that the FIR came to be instituted on 20.12.2023 by the informant but then the informant does not even whisper the fact that his Bhabhi was an eye witness to the occurrence which also cast an aspersion on the case of the prosecution. The learned senior counsel next submits that though in the FIR, it is alleged that the relative of the informant on account of dispute relating to property committed the occurrence but then the petitioners are not related to the informant in any manner rather they at one point of time had



acted as Panches when the dispute had been arisen in between the side of the informant and his relatives. It is next submitted that since the petitioners were not related with the informant in any manner, why they would have committed the occurrence when they had absolutely no interest in the property nor they would have benefited in any manner by killing the deceased persons. The learned senior counsel for the petitioners next submits that during the course of investigation one Niranjana was apprehended and he in his confessional statement named all the 24 accused, who are named in the FIR including the petitioners, when Deepmala in her statement recorded before the police did not take the name of the petitioners when petitioners and the side of the informant are known to each other as such there appears no reasons why Deepmala would not have identified the petitioners had they participated in the occurrence. The learned senior counsel for the petitioners at the cost of repetition submits that it absolutely does not stand to reason that wife of the deceased brother would not have informed the informant about such a gruesome occurrence at Hyderabad. It is also submitted that before the police, Deepmala has not named the petitioners but then the informant named 24 accused persons without disclosing the source, who informed him about



their participation. It is thus submitted that in the nature of allegation it appears that the entire allegation hinges around suspicion.

4. Learned A.P.P along with learned counsel for OP No. 2 opposes the bail application of the petitioner but then the learned counsel appearing on behalf of opposite party no. 2 is not in a position to rebut the submission of the learned senior counsel for the petitioners that Deepmala has not named the petitioners in her statement recorded under section 161 of the Cr.P.C, further that the informant does not disclose the source who informed him about the occurrence and the fact that petitioners are not related to the informant and thus would not have benefited in any manner from the occurrence. Since the learned counsel for the parties have copies of the case diary as such the statement of Deepmala and Niranjana stands recorded in the order. The learned APP submits that in the event, if the petitioners are enlarged on anticipatory bail, they may abscond on which the learned senior counsel submits that the petitioners will co-operate in the investigation and will not abscond.

8. Considering the submissions made by the learned senior counsel, let the petitioners, above named, in the event of



their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs, 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi O.P) P.S.Case No. 1234 of 2023, subject to the conditions laid down under section 438(2) of the Cr. P.C.

9. However, if the investigating officer of the case files an application before the learned trial court that petitioners despite giving assurance to this Court are not co-operating in the investigation, the learned trial court shall be at liberty to cancel the bail bond of the petitioners.

10. Let a copy of this order be sent to the concerned police station through the learned trial court.

(Satyavrat Verma, J)

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