

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26470 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- PATLIPUTRA RAIL P.S. District- Patna

1. Arti Devi @ Arti Kumari wife of Raj Kumar Sah @ Raj Kumar, H. No-A/2, Boring Road, Gandhi Nagar PS- Srikrishnapuri, Dist- Patna, P/A- Hasanpura Road, Vidyanagar, Beur, PS- Beur, Dist- Patna.
2. Sumit Kumar son of Subhod Saw @ Subhod Sah, R/o- Ganghara Niwas, Basant Vihar Colony, Boring road, PS- Srikrishnapuri, Dist- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2024 Heard Mr. Lokesh Kumar Singh, the learned counsel for the petitioners and Mr. Manoj Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rail Patliputra PS Case No. 16 of 2023, FIR dated 24.03.2023, registered for the offences punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

3. According to the prosecution case, the informant received a call from accused no. 1, who informed him that his son fell in the river near Digha Bridge and upon receiving the said information, informant contracted divers, but they couldn't trace his son and when he tried to call the accused no. 1, her



phone was found switched off, creating doubt that the accused persons under the conspiracy have killed his son.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. In fact, petitioners have informed the family members of the deceased as well as the police and on the said information, the police has lodged the present FIR. He lastly submits that a number of co-passengers were also examined by the investigating officer and the co-passengers have clearly stated that the victim has fallen in the river near Digha Bridge and petitioners have no role in the present occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and nothing has come during investigation which suggests that involvement of the petitioners in the present occurrence, let the petitioners, above-named, in the event of their arrest or



surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Patna, where the case is pending in connection with **Rail Patliputra PS Case No. 16 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall



take step for cancellation of bail bond of the petitioners.
However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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