

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23316 of 2024

Arising Out of PS. Case No.-94 Year-2023 Thana- KESARIA District- East Champaran

1. Rajeshwar Kuar @ Rajeshwar Kumar Son of Shiv Pujan Kumar
 2. Kamleshwar Kunwar @ Kamleshwar Kumar Son of Shiv Pujan Kumar
 3. Anshu Kunwar @ Anshu Kumar Son of Kamleshwar Kunwar Kamleshwar Kumar
- All are Resident of Village- Dilawarpur, P.S. Kesariya, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2024 1. Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code.

3. The learned counsel for the petitioners submit that petitioners are person with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that on 09.09.2020 he along with his wife had gone to a field near the field of the petitioners for cutting grass for the cattle and after



cutting the grass the informant took the grass back home and told his wife to wait as he will come back and will take back the remaining grass, but when he went to collect the remaining grass at 01:00 PM he saw the accused petitioners dragging his wife towards the field, on which he raised alarm and then realized that his wife was dead and she was being dragged by the accused persons and thereafter alleges that Rajeshwar disclosed that she had entered his field without permission as such he got her electrocuted.

4. The learned counsel submits that the date of occurrence is 09-09-2020 and a complaint case came to be instituted on 05.10.2020 and thereafter the instant FIR based on the complaint was instituted on 24.02.2023. It is next submitted that it absolutely does not stand to reason that if the informant had seen the accused persons dragging his wife towards their field and they even informed that they had electrocuted her why no FIR came to be instituted instantly, why there was a delay of 26 days in instituting the complaint case. It is also submitted that it may a possibility that the wife of the informant mistakenly touched the electric wire and got electrocuted and the complainant took the same as an opportunity to implicate the petitioners in the instant case, by way of afterthought.



5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their 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 the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kesariya P.S. Case No.94 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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