

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30568 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- RANIGANJ District- Araria

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1. Birendra Sah Son of Late Rameshwar Sah R/o Majhua Paschim, Kala Balua Ward No.9, P.S.- Raniganj, District- Araria
 2. Dhiraj Kumar Sah @ Dhiraj Kumar S/o Birendra Sah R/o Majhua Paschim, Kala Balua Ward No.9, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 17-12-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Raniganj P.S. Case No. 340 of 2023 registered for the offences under Sections 302, 201/34 of the Indian Penal Code.

3. As per prosecution case, the brother of the informant was murdered and after recovery of his body, the informant named these petitioners and other co-accused persons for being involved in the murder of the brother of the informant.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Petitioner no. 1 filed Raniganj P.S. Case No. 376 of 2020 against the informant, his deceased brother and others for the offences under Sections 341, 342, 323, 354B, 379, 447, 504, 506/34 of the Indian Penal Code. In order to wreck vengeance, the petitioners have been named in this case. There is no eye witness to the alleged occurrence and the informant has not stated why he has named the petitioners for being involved in the murder of his brother. Petitioner no. 2 is the son of petitioner no. 1 and he has been working in Coimbatore since 25.04.2023 and on the alleged date of occurrence, i.e., on 22.08.2023 he was present at his work place and a certificate in this regard has been issued by the company, which would also be verified by the attendance register. Learned counsel further submits that even during investigation police did not find any material against the petitioners rather involvement of some other persons came to light in the murder of the brother of the informant. The petitioners are having clean antecedent.

5. Learned APP though opposes the submission made on behalf of the petitioner, however, submits that during



investigation, the informer of the police named four other persons for being involved in the murder of the brother of the informant. Learned APP concedes that no substantive material has come against the petitioners to show their involvement in the murder of the brother of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioners and possibility of false implication, let the petitioners above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria/concerned court in connection with Raniganj P.S. Case No. 340 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed



by the court below, if so required by
the learned trial court.

(Arun Kumar Jha, J)

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