

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39469 of 2024

Arising Out of PS. Case No.-160 Year-2016 Thana- SAHEBGANJ District- Muzaffarpur

1. Rita Devi Wife of Chabila Rai Resident of Village - Madhopur Hazari, P.S.- Sahebganj, District - Muzaffarpur.
2. Parma Rai @ Prem Chandra Rai @ Prem Chandra Son of Biltu Rai Resident of Village - Madhopur Hazari, P.S.- Sahebganj, District - Muzaffarpur.
3. Rakesh Rai Son of Shankar Rai Resident of Village - Kadhan Bairiya, P.S.- Keshariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s	:	Mrs. Gulnar Begum, APP
For the Informant	:	Mrs. Nachiketa Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard Mr. Alok Kumar Alok, learned counsel for the petitioners as also Mrs. Nachiketa Jha, learned counsel for the informant and Mrs. Gulnar Begum, learned APP.

2. The petitioners are apprehending their arrest in connection with Sahebganj P.S. Case No. 160/16 for the offence under sections 149, 307, 302, 201, 120B of the I.P.C. lodged on 18.07.2016 by the informant, Rangila Yadav.

3. As per the prosecution story, the allegation against the accused persons is/are of giving knife blow in the stomach of the deceased who subsequently died during the course of treatment on 08.06.2016. As per the allegation, despite the



killing, the police failed to lodge the FIR, the complainant was forced to file complaint.

4. In this case, as per the learned counsel for the petitioner, the police submitted final form against these petitioners while chargesheet was filed against the accused, Chhabila Rai (the husband of the petitioner no. 1) under section 302/201 of the IPC on 11.04.2019.

5. The protest petition was preferred by the complainant whereafter summons issued to these petitioners after splitting up the case of Chhabila Rai under section 319 of the Cr.P.C. on 29.11.2021/05.01.2022.

6. Learned counsel for the petitioners submit that the main allegation is/was against Chhabila Rai who has already been convicted, they only being family members and have been dragged in.

7. Learned counsel appearing on behalf of the informant submits that a perusal of the order would show that the summons issued on 29.11.2021 and as they chose not to appear on the date fixed, the case was split up on 05.01.2022, still they took two years to file this petition. They have role in the matter which cannot be ignored and the case is lingering due to their non-appearance.



8. Taking into account the submissions put forward by the parties, it would be appropriate that the petitioners surrender and seek bail. In case, they surrender within four weeks from today, the Court concerned shall take up the matter and disposed of preferably on the same day.

9. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

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