

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34031 of 2024

Arising Out of PS. Case No.-272 Year-2021 Thana- CHIRAIYA District- East Champaran

1. Sudama Thakur @ Sudama Kumar Son of Chandeshwar Thakur Resident of Village- Chhoti Baluahi, P.S.- Sikarganj, Dist.- East Champaran
2. Pawan Thakur @ Pawan Kumar Son of Chandeshwar Thakur @ Chandeshwar Sharma Resident of Village- Chhoti Baluahi, P.S.- Sikarganj, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

Mr. Hemant Ray, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Chiraiya (Sikarganj) P.S. Case No. 272 of 2021, dated 24.09.2021 registered for the offences punishable under sections 302, 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that his brother Sonelal Kumar was residing at Hyderabad with Bullet Kumar where he was earning his livelihood, few days back the brother of the informant had come back home when Sudama and Pawan called Bullet Kumar and informed



him that the brother of the informant had committed theft of his mobile and he brought the mobile with him to the village and thereafter the accused persons assaulted the brother of the informant. Thereafter, next day the dead body of the his brother was found hanging in cow-shed, thus alleges based on suspicion that the co-accused persons including the petitioners might have been involved in the alleged occurrence.

4. Leaned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that the informant is not an eye-witness of the occurrence and the entire allegation is based on suspicion. It does not appear probable that in the nature of allegation as alleged in the FIR, the petitioners would have committed murder of the brother of the informant. It is further submitted that the petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chiraiya (Sikarganj) P.S. Case No. 272 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

7. However, if the Investigating Officer of the case filed an application before the learned trial court bringing to its notice that petitioners after giving assurance to this Court is not co-operating in the investigation, in the event learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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