

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35243 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- AGRER District- Rohtas

1. Dasarath Singh @ Dashrath Singh Son of Late Ram Bacchan Singh R/O Vill.- Aakashi, P.S.- Agrer, Dist.- Rohtas
2. Shatrughan Kumar @ Shatrudhan Singh Son of Dasarath Singh @Dashrath Singh R/O Vill.- Aakashi, P.S.- Agrer, Dist.- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Singh, Adv.
For the State	:	Mr. Satyendra Prasad, APP
For the Informant/s	:	Mr. Babu Nandan Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 30-09-2024 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Agrer P.S. Case No. 3 of 2024 dated 15.01.2024 registered for the offences punishable u/ss 302, 201 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant's son was traceless. The informant started searching his son with his wife and daughter. The informant could not trace his son. Thereafter, the informant along with the villagers started searching his son door to door in the village and when they reached the house of the petitioners and knocked the door, they did not open the door. When the informant and the villagers

started breaking the door of the house of the petitioners, then the family members of the petitioners threw the dead body of the informant's son kept in a plastic bag in the *Kharki* after killing him by strangulating.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are named in the FIR. The name of the petitioners has sprung up in this case only on suspicion. Nothing incriminating has been recovered from the house of the petitioners. There is general and omnibus allegation against the petitioners. It is further submitted that the informant and his family members being furious, entered the house of the petitioners and beaten the wife of the petitioner no. 1 Dasarath Singh to death and set the petitioner's house on fire and the burnt motorcycle was found, for which Agrer P.S. Case No. 4 of 2024 has been registered by the A.S.I. against Jaggu Singh and others. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 28.02.2024. It is further submitted that the dead body of the informant's son was not found in the *Kharki* (back portion of the house) rather the same was found in the vegetable field of one Uday Narayan Singh, in front of the house of the petitioner Dasarath Singh.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners. As per the post-mortem report, the cause of death is due to Asphyxia caused by throttling.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Rohtas at Sasaram in connection with Agrer P.S. Case No. 3 of 2024 with condition:-

(i) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of their bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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