

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37243 of 2024

Arising Out of PS. Case No.-77 Year-2017 Thana- SAHIYARA District- Sitamarhi

1. Ritesh Kumar Son of Late Ram Vinay Jha Resident of village -Purnahiya Makrampur PS- Sahiyara District -Sitamarhi
2. Girja Devi, wife of Late Ram Vinay Jha Resident of village -Purnahiya Makrampur PS- Sahiyara District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-06-2024 Heard Mr. Vikash Kumar Jha, learned counsel appearing on behalf of the petitioners and Mr. Md. Matloob Rab, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sahiyara P.S. Case No. 77 of 2017 registered for the offence punishable under Sections 341, 323, 324, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., petitioner no.1 who is grand son of the informant and petitioner no.2 who is mother of petitioner no.1 are said to have tortured and assaulted the informant who at the time of alleged incidence was aged about 91 years. Thereafter, the petitioners were released on



bail and subsequent to filing of chargesheet, the petitioners had moved before the District Court and after rejection of prayer for bail has filed the present anticipatory bail application for the alleged offence.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent. The petitioners were released on regular bail vide order dated 08.06.2017 and after completion of investigation, I.O. had submitted chargesheet under Section 304 IPC. He further submitted that the informant has died her natural death due to cardiac arrest and respiratory failure. Learned counsel submitted that death has not been caused due to offence which has been alleged in the F.I.R. and the petitioners being innocent deserve to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties as well as considering the fact that it has been informed on behalf of the petitioners that the petitioners were released on bail vide order dated 08.06.207 and upon submission of chargesheet, their bail application has been rejected by the District Court and in the present bail application



petitioners have submitted that the informant has died her natural death due to cardiac arrest, I am of the opinion that the petitioners have made out a case to be released on bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Sahiyara P.S. Case No. 77 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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