

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46548 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- KHAJANCHI HAT District- Purnia

1. Prem Singh (Male), aged 66 years, son of Late Narayan Singh, resident of Mohalla/Vill- Gurubazar, P.S- Barari, District- Katihar.
2. Shyam Sundar Singh (Male), aged about 59 years, son of Late Narayan Singh, resident of Mohalla/Vill- Gurubazar, P.S- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52617 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- KHAJANCHI HAT District- Purnia

1. Rajesh Kumar Singh @ Tinku Raja @ Rajesh Singh, aged about 46 years (Male) son of Shyam Lal Singh @ Syam Lal, resident of village - Gora Bazar, P.S. - Barari, District - Katihar
2. Rajesh Kumar Jaiswal @ Rajesh Choudhary, aged about 47 years (Male) son of Surendra Prasad Jaiswal @ Surendra Choudhary, resident of village - Gora Bazar, P.S. - Barari, District - Katihar
3. Pappu Chourasiya @ Jai Prakash Chourasiya, aged about 46 years (Male), son of Late Bacchu Chourasiya, resident of village - Gora Bazar, P.S. - Barari, District - Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46548 of 2024)

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 52617 of 2024)

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER



APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302 and 201/34 of the Indian Penal Code.

3. According to the FIR, the informant stated that his son, Brajesh Kumar, left home on his black Pulsar motorcycle around 6:30 pm, telling the informant and his wife that he would return soon. When he didn't come back for dinner, the informant's wife called him. At 10:11 pm, the victim answered the phone and said he would be back in two hours. On 01/04/2023, around 8:00 am, the informant received a call from Maranga Police Station in Purnia, informing him that his son, Brajesh Kumar had been stabbed to death and that the dead body was found 300 meters south of Harda Mehta Chowk, near NH-31. The informant went to the police station and identified the body as his son's. The body had stab wounds to the head, back, lips, and legs, as well as a wound from the stomach being cut open. The informant claimed that there had been a land, house, and shop dispute with his brothers, who had threatened to kill him and his family.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next



submits that a land dispute is going on between the parties and from perusal of the FIR, it appears that there is no overt-act as alleged against the petitioners. He next submits that the informant is not an eye witness of the alleged occurrence. He next submits that similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. Nos. 45466 of 2024 and 52042 of 2024.

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

6. On perusal of the first information report, postmortem report, case diary and impugned order dated 05.06.2023/05.06.2024, it appears that the name of the petitioners transpired on the basis of suspicion and similarly situated co-accused persons have already been granted anticipatory bail by a Co-ordinate Bench of this Court and from perusal of the certified copy of the supplementary Final Form Report as submitted by the learned counsel for the petitioners, it appears that after conclusion of the investigation, the Investigating Officer found the case is not true. It further appears from the supplementary final form in column no.12, petitioners were not sent up for trial, so considering all aspects



of the matter, I am inclined to grant anticipatory bail to the petitioners.

7. Let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of six 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, Purnea in connection with K. Hat (Maranga) P.S. Case No. 404 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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