

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53209 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- BADHAILA District- Rohtas

1. Arun Ram @ Arun Kr. Ram, Son Of Lal Keshwar Ram Vill -Bhatauli Ps- Baghaila Distt -Rohtas
2. Rohit Kumar, Son Of Arun Ram Vill -Bhatauli Ps- Baghaila Distt -Rohtas
3. Subhash Kumar, Son Of Arun Ram Vill -Bhatauli Ps- Baghaila Distt -Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nityanand Tiwary Mr. Mukesh Kumar Mr. Sharad Shekhar Ms. Anita Kumari
For the Opposite Party/s	:	Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the case was taken up on 28.08.2024, when case diary was called for, but the same till date has not been received.

4. The Court will not wait endlessly for the case diary and thus, proceeds to decide on merit based on the allegation as alleged in the FIR and the fact which has been recorded in the



order.

5. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that she was married to the deceased and were leading a peaceful conjugal life and her husband earned through selling sugarcane juice. Further on 19.03.2024, she had gone to attend the birthday party of her younger sister Sapna, when she received a call from her husband, who disclosed that he is fed-up with the attitude of his family members, hence he is going far away, on which the complainant became nervous, thereafter she talked to her mother in-law and asked her what they have said to her husband, on which she said that she has no idea and her husband is not at home. It is next alleged that after sometime, she received a call from her brother in-law, who asked her to come to Bhatauli. Accordingly, the complainant along with her family members reached Bhatauli and saw the dead body of her husband.

6. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eye witness to the occurrence. It is also



submitted that petitioners, being father and brothers of the deceased, have been implicated with general and omnibus allegation as the FIR does not even remotely disclose that as to what was disclosed by the deceased to the complainant that how he is being tortured by his family members. It is next submitted that the FIR also does not remotely suggest that any differences had taken place in the family of the deceased prior to the occurrence. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Learned A.P.P. opposes the anticipatory bail application.

8. 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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sasaram, Rohtas in connection with Baghaila P. S. Case No.67 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



9. The application stands allowed.

10. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

11. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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