

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57111 of 2024

Arising Out of PS. Case No.-106 Year-2022 Thana- RIVILGANJ District- Saran

Pintu Rai @ Sampat Kumar, Son of Kanhaiya Rai, R/o Village-
Samsuddinpur, P.S.- Revelganj, District- Saran at Chapra-841305

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57497 of 2024

Arising Out of PS. Case No.-106 Year-2022 Thana- RIVILGANJ District- Saran

Ganesh Rai, Son of Late Chatthu Rai, Resident of Village- Samsuddinpur,
P.S.- Revelganj, District- Saran at Chapra- 841305.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57111 of 2024)

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 57497 of 2024)

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 13-09-2024 Both the matters are arising out of the same police station case and, as such, with the consent of the parties, both the bail applications have been heard together and have been disposed off by this common order.

2. Heard Mr. Jeetendra Narayan, learned Advocate for the petitioners and the learned APP for the State.

3. The petitioners are apprehending their arrest in



connection with Revelganj P.S. Case No. 106 of 2022, corresponding to U.T. No. 11 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

4. Based upon the written report, the prosecution alleges that on 03.04.2022, at about 8:00 'o' clock in the night, all the F.I.R. named accused persons, including the petitioners, along with three unknown persons came to the house of the informant and on the pretext of getting the stone chips loaded in the truck, has taken away the informant's nephew. In the morning, the dead body of his nephew was found hanging on a tree, near water tank. The suspicion has been raised against all the accused persons that they have killed the informant's nephew.

5. Learned Advocate for the petitioners' contended that the F.I.R. clearly reveals that the informant is not an eye witness to the alleged occurrence and only because of the fact that the informant's nephew went along with the accused persons, including the petitioners, for getting the stone chips loaded in a truck, suspicion has been raised. Save and except the suspicion, there is no material against the petitioners. During the course of investigation, it has also come that the deceased has



committed suicide on account of his failure in love. Thus, the police after investigation submitted Final Form vide Final Report No.157 of 2022 dated 10.07.2022, the copy of which is marked as Annexure-2 to the petitioner; and the petitioners were not sent up for trial along with other accused persons. Differing with the Final Report, however, the learned court has taken cognizance for the offences alleged in the F.I.R., which order was also put to challenge in Cr. Revision No. 271 of 2022. The order taking cognizance was set aside and remanded the matter to the jurisdictional court to pass fresh cognizance order by assigning reasons thereafter. On being remand, the learned Judicial Magistrate again took cognizance for the offence as alleged in the F.I.R., thus, the necessity for filing of the present bail application. It is lastly contended that apart from the aforesaid fact, it is also relevant that the petitioners are carrying two criminal antecedent, however, both the cases are of trifling nature and they have already been granted bail.

6. On the other hand, learned APP for the State opposes the bail application and submits that be that as it may finally the learned court has taken cognizance for the offence punishable under Sections 302/34 of the Indian penal Code and the innocence of the petitioners can only be proved in the trial.



7. Regard being had to the submissions made on behalf of the parties and considering the fact that during the course of investigation it has come that the deceased has committed suicide and, accordingly, the petitioners have not been sent up for trial, however, cognizance has been taken differing with the final report, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Revelganj P.S. Case No. 106 of 2022, corresponding to U.T. No. 11 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

