

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55200 of 2024

Arising Out of PS. Case No.-1438 Year-2023 Thana- PHULWARISHARIF District- Patna

1. Vikash Kumar, S/o Late RAnjan Paswan R/o Village- Bochachak, P.O. and P.S.- Phulwarisharif, Dist.- Patna
2. Akhash Kumar, S/o Late RAnjan Paswan R/o Village- Bochachak, P.O. and P.S.- Phulwarisharif, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Prasad

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024 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 341, 323, 324, 307, 302 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent and the informant alleges that petitioners along with Raushan on 01.02.2023 at 7.00 P.M. entered his house and when his wife forbade them, the petitioners along with Raushan pulled her by her hair and dashed



her on the road and assaulted her causing injury on head and thereafter, injured was taken to hospital and ultimately she died.

4. 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 F.I.R., which emanates from a complaint, it would manifest that the date of occurrence is 01.02.2023, the wife of the informant died on 25.04.2023 or 10.05.2023, thereafter a complaint case came to be filed on 07.08.2023 i.e. four months after the death of the wife of the informant. The learned Court sent the complaint to the concerned Police Station on 19.09.2023 and thereafter, the FIR came to be instituted on 06.10.2023. It is submitted that it absolutely does not stand to reason that on what basis the informant alleges that the petitioners were involved in the occurrence when the wife of the informant died nearly more than two months of the occurrence and after the occurrence, no case came to be instituted instantly which cast an aspersion on the case of the prosecution.

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

6. 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 A.C.J.M.-XIV, Patna in connection with Phulwari P. S. Case No.1438 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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