

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53093 of 2023

Arising Out of PS. Case No.-81 Year-2020 Thana- TRIVENIGANJ District- Supaul

1. ARTI KUMARI Daughter of Shailendra Sardar @ Shailendra Kumar Resident of Village - Daparkha, P.S.- Triveniganj, District - Supaul.
2. Rahul Kumar @ Rahul Sardar Son of Shailendra Sardar @ Shailendra Kumar Resident of Village - Daparkha, P.S.- Triveniganj, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 12-03-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Treveniganj P.S. Case No. 81 of 2020 dated 03.04.2020 registered for the offence/s punishable u/ss 302 and 120B of the Indian Penal Code.

3. As per the prosecution case, the informant's son had gone to irrigate his field but he did not return till late night thereafter the informant along with the family members went to their field, where they found that the dead body of his son, Ajay Kumar was lying. It is further alleged that the petitioners and the co-accused persons committed the murder of his son and threw his dead body in the maize field. It is further alleged that prior to the



alleged occurrence, the petitioner no. 2 and the co-accused persons abused the informant's son and threatened to kill him.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is no eyewitness to the alleged occurrence. The petitioner no. 1 is a lady and there is no specific allegation against her. There is no specific allegation of assaulting the informant's son against the petitioners. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and submitted that prior to the alleged occurrence, the petitioner no. 2 abused and threatened the deceased to kill him. The charge-sheet has already been submitted against the petitioners and the co-accused persons. The petitioner Rahul Kumar also threatened the informant's son prior to the alleged crime. There are sufficient materials against Rahul Kumar for his involvement in the said crime.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner no. 1, namely, Arti Kumari, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned,



Supaul in connection with Treveniganj P.S. Case No. 81 of 2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application for the petitioner no. 1, namely, Arti Kumari stands allowed.

8. So far as, the petitioner no. 2, namely, Rahul Kumar @ Rahul Sardar, is concerned, considering the heinous nature of allegation made against him, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner no. 2 namely, Rahul Kumar @ Rahul Sardar to surrender before the concerned Court below within six weeks from the date of this order and the learned court below will consider his prayer for regular bail in accordance with law and on its merits without being prejudiced by this order.

9. Accordingly, the application regarding petitioner no. 2 namely, Rahul Kumar @ Rahul Sardar stands rejected.

(Chandra Prakash Singh, J)

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