

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56782 of 2024

Arising Out of PS. Case No.-287 Year-2022 Thana- DAUDPUR District- Saran

1. Basanti Devi, W/O Satyendra Singh @ Satyendra Narayan Singh, Resident of Village- khardahiya, khararahia,P.S- Daudpur, Distt.- Saran.
2. Dhananjay Kumar Singh @ Nanhki, S/O Satyendra Singh @ Satyendra Narayan Singh, Resident of Village- khardahiya, khararahia,P.S- Daudpur, Distt.- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Bindhyachal Singh, Sr. Adv. Mr. Ram Binod Singh, Adv.
For the State	:	Mr. Humayou Ahmad Khan, APP
For the Informant	:	Mr. Rajendra Narayan, Sr. Adv. Mr. Amarendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 27-09-2024 Heard Mr. Bindhyachal Singh, learned senior counsel for the petitioners, Mr. Humayou Ahmad Khan, learned APP for the State and Mr. Rajendra Narayan, learned senior counsel for the informant.

2. The petitioners apprehend their arrest in connection with Daudpur P.S. Case No. 287 of 2022 dated 07.10.2022 registered for the offences punishable under Sections 302 and 120B read with Section 34 of the Indian Penal Code.

3. As per the prosecution story, Ashok Kumar Singh (informant) stated that on 07.10.2022 at about 9:50 A.M. when his son, Raj Ranjan (deceased) had gone out of the house, about



100 meters south to talk on phone, suddenly he heard his son's screams and thereafter, the informant alongwith his wife and other son namely Rajiv Ranjan Singh rushed towards him and saw his son being caught hold by Basanti Devi (petitioner No. 1) and other co-accused persons namely Dhananjay Kumar Singh (petitioner No. 2) Yashwant Singh, Aman Kumar Singh and Anuj Kumar Singh stabbing his son with a knife at the order of petitioner No. 1. The accused persons fled away on their motorcycle, thus, leaving the informant's son injured and bleeding. Later on, the informant's son was declared dead during the course of treatment.

4. Learned senior counsel appearing for the petitioners submits that though the petitioners are named in the FIR but during investigation, several independent persons whose statements were recorded by the investigating officer mentioned in the paragraph Nos. 4, 15, 16, 23 and 24 of the supplementary case diary did not support the allegations levelled against the petitioners in the FIR and accordingly, the petitioners were not sent up by the police and thereafter, in mechanical manner the learned Magistrate concerned took cognizance against the petitioners. It is further submitted that the conduct of the informant as well as his family members was completely abnormal as even after seeing the informant's son being caught



hold by the accused including the petitioners, neither the informant nor his family members took any attempt to save the victim and both the petitioners have been made accused mainly on account of being the relatives of the main co-accused persons namely, Yashwant Singh, Anuj Kumar Singh and Aman Kumar Singh. It is further submitted that there is a serious irregularity in the preparation of the seizure memo as the seizure memo is said to have been prepared at 11:35 A.M. on 7.10.2022 while the formal FIR containing the details of the P.S. was registered at 19:00 hrs on 07.10.2022 which shows that the FIR was registered afterthought.

5. On the contrary, learned senior counsel appearing for the informant has vehemently opposed the bail prayer of the petitioners and submitted that as per the FIR, the petitioner Basanti Devi caught hold of the victim, who was a B.Tech student, and thereafter, all the accused persons named in the FIR including the petitioners badly stabbed the victim and thereby caused nine stab injuries to his body resulting in his death. It is further submitted that though both the petitioners have not been sent up by the police but the conclusion of the police was prejudicial on account of a criminal writ having been filed by the informant due to unfairness in the investigation and in the present time, both the petitioners are also accused of the brutal murder in



the light of the cognizance having been taken by the learned Magistrate.

6. Learned APP appearing for the State has also opposed the bail prayer of the petitioners.

7. Heard both the sides and perused the FIR and the case diary of this case. Both the petitioners are named in the FIR and the informant is said to be an eyewitness of the alleged occurrence and as per his allegation levelled in the FIR, the petitioner Basanti Devi, although she is a lady, actively participated in the alleged occurrence and there are statements of several witnesses in the case diary to show the participation of both the petitioners in the alleged occurrence. The deceased was a B.Tech student who was brutally murdered by causing several stab injuries to his body. Considering all these facts as well as severity of the allegation, this Court is not inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners stands rejected.

(Shailendra Singh, J)

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