

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60603 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Ravi Shankar Singh Son of Nag Narayan Singh R/o Village- Bishunpura,
P.S.- Chapra Muffasil, District- Saran
2. Maya Shankar Singh Son of Nag Narayan Singh R/o Village- Bishunpura,
P.S.- Chapra Muffasil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 07-10-2024

1. Heard learned Senior Counsel for the petitioners,

Mr. Chandra Bhushan Prasad learned A.P.P. for the State and
learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code.

3. Learned Senior Counsel for the petitioners submits
that petitioners are persons with clean antecedent and the
informant alleges that on 23.04.2024 his co-villager Vishal
Kumar Singh called the son of the informant on pretext of
attending a marriage ceremony, thereafter it is alleged that
petitioners and other named accused persons, who were already
present in the marriage from before, are alleged to have killed



the son of the informant by assaulting him by knife. It is next alleged that next morning at 04:00 p.m. Vishal informed the brother of the informant that someone has killed his elder son and the Mukhiya of the Panchayat disclosed that the police has taken the body of the informant's son to the hospital where he died.

4. Learned Senior Counsel for the petitioners submits that during the course of investigation, nothing has come which could even remotely connect the petitioners with the offence but then police in a mechanical manner had applied for process under Section 82 of the Cr.P.C. It is further submitted that the case was taken up on 03.10.2024 when learned A.P.P. after going through the case diary had fairly submitted that he has not been able to decipher as to what materials transpired during the course of investigation connecting the petitioners with the offence on which a submission was made on behalf of the petitioners that when nothing transpired during the course of investigation to connect the petitioners with the offence then on what basis an application seeking process under Section 82 of the Cr.P.C. was filed by the police.

5. Today, when the case is taken up, the learned A.P.P. submits that the investigating officer of the case realizing his



mistake has filed an application before the learned trial court for recalling the process under Section 82 of the Cr.P.C.

6. At this stage, learned counsel appearing on behalf of the informant submits that what is not in dispute rather stands admitted is that son of the informant has been killed, whether it was petitioners or someone else, is an aspect of investigation but if the privilege of anticipatory bail is granted to the petitioners in that event they may abscond on which learned Senior Counsel for the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chapra Mufassil P.S. Case No. 224 of 2024, subject to the conditions as



laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

10. Let a copy of this order be sent to the concerned police station through the learned trial court.

11. The personal appearance of the Station House Officer and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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