

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60207 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- CHIRAIYA District- East Champaran

Manish Kumar @ Manish Baitha Son of Late Baiju Baitha Resident of
Village and P.O. - Rupahara, P.S.- Sikarganj, Dist.- East Champaran, Bihar.
... .. Petitioner/s

Versus

The State of Bihar Bihar
... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75901 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- CHIRAIYA District- East Champaran

Rakesh Sah @ Rakesh Kumar Son of Kapildeo sah @ Kapil Dev Sah
Resident of Village- Ruphara, P.S.- Sikarganj, Distt.- East Champaran
... .. Petitioner/s

Versus

The State of Bihar Bihar
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 60207 of 2024)
For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Bharat Lal
(In CRIMINAL MISCELLANEOUS No. 75901 of 2024)
For the Petitioner/s : Mrs. Rashmi Jha
Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 325-10-2024
1. Heard the parties.

2. Since both the aforesaid applications arise out of the same F.I.R., as such, both have been taken up together and are being disposed of by this common order.

3. The petitioners seek regular bail in connection with Chiraiya (Shikarganj) P.S. Case No. 40 of 2024, G.R. Case No. 86 of 2024 dated 01/02/2024 registered for the offence under Section 302, 120-B, 34 of the I.P.C.



4. As per the allegation made in the F.I.R. the case of the prosecution is that on 27.01.2024 at about 10:00 A.M. in the morning the petitioners along with other accused persons took away the son of the informant along with them on the pretext of playing cricket. When the informant's son did not return till evening, the informant started searching his son and on 28.01.2024 in the morning the dead body of the informant's son was found, which was lying in a field having multiple injuries on the body.

5. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case on the basis of concocted story. From perusal of the F.I.R. it is apparent that dead body of the informant's son was found on 28.01.2024, inquest report was prepared on the same day i.e. on 28.01.2024 and post mortem was also done on 28.01.2024 but the written report / F.I.R. has been lodged by the informant after a delay of three days on 01.02.2024. The anticipatory bail application filed by petitioner- Rakesh Sah @ Rakesh Kumar vide Cr. Misc. No. 37682 of 2024 has been dismissed as withdrawn. The petitioner / Rakesh Sah @ Rakesh Kumar has got one criminal antecedent which has been brought on record by way of supplementary affidavit. The petitioners are in custody since



10.05.2024 & 02.07.2024 respectively.

6. On the other hand, learned counsel for the informant opposed the prayer for bail and submits that F.I.R. has been lodged after completing the rituals of the last rites of the deceased.

7. Regard being had to the submission made by the parties, taking into consideration delay in lodging the F.I.R. that too after the post-mortem of the deceased, I am inclined to grant regular bail to the petitioners.

8. Let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 10,000 /- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sikrahana at Dhaka, East Champaran, Motihari (in Cr. Misc. No. 60207 / 2024) & 14th Additional Sessions Judge, East Champaran, Motihari (in Cr. Misc. No. 75901 of 2024) in connection with Chiraiya (Shikarganj) P.S. Case No. 40 of 2024, G.R. Case No. 86 of 2024.

(Anil Kumar Sinha, J)

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