

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85890 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- SHEOHAR District- Sheohar

1. Raja Kumar S/O Ajay Ray Resident of Village- Sheohar, P.S.- Sheohar, District- Sheohar.
2. Kailash Ray Son Of Late Mahavir Ray Resident of Village- Sheohar, P.S.- Sheohar, District- Sheohar.
3. Ajay Ray Son Of Kailash Ray Resident of Village- Sheohar, P.S.- Sheohar, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar @ S.K., Advocate
For the State	:	Dr. Indivar Kumari, Advocate
For the Informant	:	Mr. Sanjay Kumar, Advocate
		Mr. Arbind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners, learned A.P.P.
for the State as well as learned counsel for the informant.

02. In the present case, the petitioners are apprehending their arrest in connection with Sheohar P.S. Case No. 220 of 2023 registered for the alleged offence under Sections 341, 323, 427, 302, 504/34 of the Indian Penal Code.

03. As per prosecution case, in the background of dispute over drainage of rain water from the house of the informant, the petitioners and other co-accused persons assaulted the informant, his mother and his wife with *lathi* and bamboo stick. The mother of the informant fell down and became



unconscious and later on, when she was taken to hospital, she was declared brought dead.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The prosecution case is palpably false and concocted and the story in the FIR is fabricated. The mother of the informant died due to her old age and in order to take advantage, the petitioners have been falsely implicated with palpably false allegation. The postmortem report shows cause of death reserved till the Forensic Lab Report/Viscera received. The postmortem report rules out the injury as cause of death and no external injuries were found on the dead body of the mother of the informant. Learned counsel further submits that the petitioners have got no criminal history.

05. Learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that the witnesses examined during investigation have supported the prosecution case about the victims receiving injuries and the mother of the informant succumbed due to such injuries. However, learned counsel for the informant concedes that there is no such reason mentioned in the postmortem report, a copy of which is having in his possession.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the non-corroborative postmortem report regarding cause of death of the mother of the informant and further considering the possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 220 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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