

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15783 of 2025

Arising Out of PS. Case No.-310 Year-2019 Thana- SIWAN CITY District- Siwan

1. Rakesh Singh S/O Ramakant Singh Resident of village- Chandpur, P.S - M.H Nagar, Dist- Siwan
2. Rajan Singh @ Ranjan Singh S/O Dilip Singh Resident of village- Chandpur, P.S - M.H Nagar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam
For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioners and learned A.P.P.

for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 34 of the I.P.C.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 21.05.2019, Raj Bahadur made her husband sit in the middle of a motorcycle and Mithilesh Singh sat behind her husband, further Rakesh Singh made the informant sit on his motorcycle while Ranjan Singh sat behind her, thereafter, they left her near Mairwa crossing and later she was informed by the chaukidar that dead body of her husband was lying thus, alleges that the accused persons killed her husband.



4. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness to the alleged occurrence. It is also submitted that the entire allegation hinges around suspicion. It is next submitted that it does not appear probable that if the accused persons had any intention of committing murder of the husband of the informant in that event they would not have taken the informant along with them and thereafter, left her and thus, would have created evidence themselves. It is also submitted that after the case was instituted the case was transferred to the CID for investigation. It is next submitted that post mortem of the dead body of the deceased was carried out and the same does not corroborate with the allegations of murder as the post mortem report records that death was due to cardio respiratory failure caused due to C.V.N (Castro vascular hemorrhage).

5. It is reiterated and submitted that petitioners are persons with clean antecedent and have been falsely implicated in the instant case and the FIR does not even remotely suggest any motive for committing the occurrence by the accused persons.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that the case is of the year 2019 and petitioners had approached the learned District



Court in the year 2019 itself and their anticipatory bail was rejected but then chose not to move before this Court to seek anticipatory bail and from the pleadings made in the anticipatory bail application it would manifest that non-bailable warrant of arrest also has been issued on 02.01.2025. It is also submitted that investigation is still going on and in the event if petitioners are granted privilege of anticipatory bail they may abscond.

7. In reply, learned counsel for the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence. The learned counsel appearing on behalf of the petitioners further submits no doubt there is some delay in approaching the Court but then in the nature of allegation as alleged in the F.I.R., it does not appear probable that the petitioners would have been involved in the occurrence and would have allowed the informant become a witness against themselves.

8. It is also submitted that during the course of investigation it has come that the deceased boarded a hired jeep and thereafter, suffered a heart attack.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail



on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Siwan Town P.S. Case No.310 of 2019, subject to the conditions as laid down under Section 482 (2) of the BNSS.

10. It is made clear that if the investigating officer of the case files an application before the learned Trial Court that petitioners despite giving assurance to the Court are not cooperating in the investigation in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

11. It is further made clear that if charge sheet is submitted connecting the petitioners with the occurrence in that event the present anticipatory bail order shall come to an end.

12. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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