

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57543 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- PIPRA District- East Champaran

1. VINAY SAH @ BINAY KUMAR SAH SON OF RAMNATH SAH VILLAGE- SARIYATPUR, TURHA TOLI, PS- PIPRA, DIST- EAST CHAMPARAN
2. SAKALDEO SAH SON OF LATE LANGAT SAH VILLAGE- SARIYATPUR, TURHA TOLI, PS- PIPRA, DIST- EAST CHAMPARAN
3. ABHISHEK KUMAR @ ABHISHEK SON OF VINOD SAH VILLAGE- SARIYATPUR, TURHA TOLI, PS- PIPRA, DIST- EAST CHAMPARAN
4. MANISH SAH @ MANISH KUMAR SON OF SAKALDEO SAH VILLAGE- SARIYATPUR, TURHA TOLI, PS- PIPRA, DIST- EAST CHAMPARAN
5. NANDU SAH SON OF YADOLAL SAH VILLAGE- SARIYATPUR, TURHA TOLI, PS- PIPRA, DIST- EAST CHAMPARAN
6. ASHISH SAH @ ASHISH KUMAR SON OF SAKALDEO SAH VILLAGE- SARIYATPUR, TURHA TOLI, PS- PIPRA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Rakesh Kr. No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-01-2025 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 363, 341, 302, 420 and 120B of the Indian Penal Code.

3. As per F.I.R., based on complaint petitioner, the prosecution case, in brief, is that all the accused persons, on 28.07.2023, forcibly took away son of informant, namely Ramesh Sah. It is alleged that on 12.08.2023 at about 12:30 in



the night all the accused persons committed murder of son of informant by injecting poison.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have falsely been implicated in this case with oblique and ulterior motive. There is inordinate delay of four months in filing of the complaint case on 12.12.2023 in respect of the occurrence which is said to have taken place on 12.08.2023 and there is no satisfactory explanation for the same. It is further submitted that informant is not an eye witness of the alleged offence and merely on suspicion, petitioners have been made an accused in this case. Moreover, in the *post mortem* report, no injury was found on the body of the deceased and cause of death has been determined as cardiac arrest due to ischemia heart disease.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances, nature of accusation, delay in lodging of the F.I.R. and cause of death of the deceased, the prayer for grant of anticipatory bail to



the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on 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 Sub-Divisional Judicial Magistrate, Sadar at Motihari, in connection with Pipra P.S. Case No. 6 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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