

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62570 of 2024

Arising Out of PS. Case No.-1389 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

1. Munni Devi Wife of Suresh Sah @ Surendra Sah Resident of Village-Jhapahan Dih, P.S.- Ahiyapur, District- Muzaffarpur
2. Rahul Kumar Son of Suresh Sah @ Surendra Sah Resident of Village-Jhapahan Dih, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Bhavesh Kumar, Advocate
For the State : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-01-2025 Heard learned counsels for the parties.

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

3. As per prosecution case, it is alleged that on 23.10.2023 at about 4:15 AM informant's wife discovered informant's father hanging from a *Neem* tree and informed the informant. Upon his arrival at 8 AM, he learned that the police had sent the body for *post mortem* and also a call from Petitioner No. 1, namely Munni Devi, at 3:41 AM was found on the phone of the deceased. Informant alleges that these petitioners, in conspiracy with two unknown persons, murdered



his father to misappropriate a sum of Rs. 6,00,000/- and had also assaulted him three days prior to the occurrence.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have falsely been implicated in this case merely on suspicion. From bare perusal of the F.I.R. it is apparent that informant is not an eye witness of the alleged occurrence and only suspicion has been raised against these petitioners on account of previous dispute. Perusal of the *post mortem* report shows that the deceased died due to *Asphyxia* from hanging.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that only suspicion has been raised against these petitioners, 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 petitioners 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 Chief Judicial



Magistrate, Muzaffarpur, in connection with Ahiyanpur P.S.
Case No. 1389 of 2023, subject to condition as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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