

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68981 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- BHAPTIAHI District- Supaul

1. Rupesh Thakur @ Rupesh Kumar Thakur Son of Ranjit Kumar Thakur R/O Vill.- Shahpur, Prithvi Patti, P.S.- Bhaptiyahi, Dist.- Supaul
2. Lalo Ram @ Lalo Kumar Ray @ Lalu Ray Son of Dhanik Lal Ram R/O Vill.- Chhti Hanuman Nagar, Ward no. 08, P.S.- Bhaptiyahi, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Adv.
For the State	:	Mr. Mithlesh Kumar Khare, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 16-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

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

3. The allegation in the FIR is that all the accused persons, being seven in number, including the present petitioners took the informant's son for having tea and snacks in a Scorpio vehicle and thereafter, his son did not return. The informant's daughter-in-law found the dead body of his son hanging on a tree behind the house on the same night at 11



P.M. The FIR discloses a suspicion on all the seven accused persons of having committed murder of the informant's son.

4. Learned counsel for the petitioners submits that it would be evident from the FIR itself that there is no eyewitness to the occurrence and no motive whatsoever has been indicated in the FIR as to why the deceased would be killed. It also appears from the FIR itself that a mere suspicion has been raised on the petitioners and the other accused persons since the deceased had gone along with them for having tea and snacks. It is further submitted by learned counsel for the petitioners that as a matter of fact, the petitioners were friends of the deceased and there was no reason why they would commit the murder of the deceased. The materials collected during the course of investigation also do not disclose any specific evidence on the basis of which it can be said that the petitioners have committed the said offence. Some of the independent witnesses including the neighbours of the informant, who have been examined during the course of investigation, have rather stated that they have found the dead body of the deceased hanging at the back of the house of the informant himself and they have not seen anyone else either killing the deceased or moving around in



suspicious condition. The postmortem report of the deceased also does not indicate any other external injury, but for a V-shaped ligature mark around the neck which has been caused due to hanging and the cause of death has also been opined as asphyxia due to hanging.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail, besides others, also on the ground that petitioner no.1 is an accused in three other cases. In response to the same, it is submitted on behalf of the petitioners that while petitioner no.2 is a man of clean antecedent, petitioner no.1 is on bail in all three cases.

6. Considering the above-mentioned facts and circumstances and particularly that there is nothing on record to show the complicity of the petitioners in the said offence, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 the learned lower Court where the case is pending/successor Court in connection with Bhaptiyahi P.S. Case No. 73 of 2024, subject to the condition



as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the
BNSS, 2023.

(Soni Shrivastava, J)

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