

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71559 of 2024

Arising Out of PS. Case No.-354 Year-2024 Thana- SIKARPUR District- West Champaran

1. Vipin Prasad Keshri @ Vipin Kumar Keshri @ Vipin Kumar Kesari, S/O Late Raghunath Keshri @ Lt. Raghunath Prasad Kesari, R/O Ward No. 15, Masjid Road, Narkatiyaganj, P.S. Shikarpur, District -West champaran
2. Malti Devi, W/O Vipin Prasad Keshri @ Vipin Kumar Keshri @ Vipin Kumar Kesari, R/O Ward No. 15, Masjid Road, Narkatiyaganj, PS-Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 21-02-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioners, learned counsel for the informant and Mr. Nitya Nand Tiwary, learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Shikarpur P.S. Case No. 354 of 2024 instituted for the offence under Section 302 of the Indian Penal Code.

3. The case of the prosecution is that there was a dispute between the informant and the accused persons regarding visit of the customers in the shop. It is further alleged that on 25.05.2024 Vipin Kumar Keshri (petitioner) assaulted with wooden stick to the son of the informant after this, Bolbam



Keshri @ Ramesh Kumar Keshri along with his mother (petitioner no.2) and Dipu Keshri assaulted with iron rod. When the husband of the informant and informant went to rescue, they also started assaulting them, they anyhow rescued their son and allowed him to sleep and about 12:00 P.M. they took their son at a government hospital where he was declared dead.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Learned counsel for the petitioners has submitted that from perusal of the F.I.R. itself, it is clear that the victim was not having any visible injuries that is why he was not rushed to the hospital after the occurrence rather his family waited till 12 P.M. till then he was sleeping. Further, learned counsel for the petitioners has submitted that the occurrence is of 25.05.2024 whereas the F.I.R. has been lodged on 28.05.2024. The fact that the victim was allowed to sleep till 12 P.M. creates doubt. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Petitioner no. 1 is a 55% disabled person and for that a certificate has also been annexed at Annexure-2. Petitioner no.2 is a lady. Two co-accused persons have already been granted regular bail by this



Court vide order dated 04.02.2025 in Cr. Misc. No. 80028 of 2024 and 80663 of 2024.

5. In contra, learned APP appearing for the State and learned counsel for the informant have opposed the prayer of bail of the petitioners.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Shikarpur P.S. Case No. 354 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 6th, Bettiah, West Champaran, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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