

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70900 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- SONBERSA District- Sitamarhi

1. Subodh Kumar @ Subodh Rai Son of Lalbabu Rai Resident of Village - Manithar, P.S. - Bela, Dist. - Sitamarhi
2. Ranjana Kumari Yadav Wife of Subodh Kumar @ Subodh Rai Resident of Village - Manithar, P.S. - Bela, Dist. - Sitamarhi
3. Samir Anand @ Samir Rai Son of Nagendra Prasad Yadav Resident of Village - Chakki, P.S. - Sonbarsa, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71906 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- SONBERSA District- Sitamarhi

1. Narendra Kumar @ Narendra Rai Son of Dinesh Prasad Yadav @ Dinesh Rai Resident of Village - Chakki, P.S. - Sonbarsa, Dist. - Sitamarhi.
2. Parwati Devi Wife of Dinesh Prasad Yadav @ Dinesh Rai Resident of Village - Chakki, P.S. - Sonbarsa, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70900 of 2024)

For the Petitioner/s : Mr. Virendra Kumar, Adv.
Mr. Alok Kumar Alok, Adv.
Mr. Vivek Kumar Pandey, Adv.

For the State : Mr. Madan Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 71906 of 2024)

For the Petitioner/s : Mr. Virendra Kumar, Adv.
Mr. Alok Kumar Alok, Adv.
Mr. Vivek Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 10-02-2025 Heard learned counsel for the petitioners and



learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Sonbarsa P.S. Case no. 159 of 2024 instituted for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

3. While the informant, being local chowkidar, was sitting near tea shop, received information that a person has been murdered by some unknown persons by slitting his neck and shooting out near driving license training center. Informant after intimating the said information to SHO, reached at the place of occurrence where he saw a person has been shot and injured, meanwhile, SHO along with other armed force took the injured to Sadar Hospital, where he was declared dead by the doctor.

4. Learned counsel for the petitioners submits that the petitioners are innocent and committed no offence. It is further submitted that neither the



petitioners are named in F.I.R. nor anything incriminating has been recovered from their conscious possession. Their name sprang up only on the basis of suspicion raised by the mother of the deceased. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent.

5. Learned APP appearing for the state has vehemently opposed the prayer of anticipatory bail and submitted that mother of the deceased has filed a petition to the officer in-charge which is reproduced in para 21 of the CD. In that petition, altogether 9 accused persons, including the petitioners, have been named as accused. As per the statement of deceased's mother, greed of property was the motive behind the alleged offence of murder. Further, vide para 22 and 32 of the CD, she has supported the allegation. It is further submitted that in paragraph 32 and 33, the fact about previous enmity between the deceased and his brother has been mentioned. There are other materials against the



petitioner. From perusal of the postmortem report (annexed with the Case Diary), it appears that the cause of death is Hemorrhage and shock leading to CR failure as a result of injury caused by sharp weapon and firearm. Investigation is still going on against the petitioners.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioners on bail and, as such, their prayer for anticipatory bail stands rejected.

7. The petitioners are directed to surrender before learned court below and prays for regular bail, the same shall be considered by the court below, without being prejudiced by the order of this Court.

(S. B. Pd. Singh, J)

Nirajkrs/-

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