

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88156 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- CHERKI District- Gaya

1. Dilip Rajak Son of Chhotu Rajak @ Chhathu Rajak Resident of Village- Ilara Parhanda, P.S.- Cherki, Distt.- Gaya
2. Awadhesh Rajak @ Awadhesh Kumar Son of Dewan Rajak @ Gauri Shankar Rajak Resident of Village- Ilara Parhanda, P.S.- Cherki, Distt.- Gaya, and at present resides at Police Line Road, Durga, Durga Asthan, Gewal Bigha, Gaya, P.S.- Rampur, Distt.- Gaya
3. Rajesh Rajak Son of Late Kameshwar Rajak @ Late Kamesher Rajak Resident of Village- Ilara Parhanda, P.S.- Cherki, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-01-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioners apprehends their arrest in a case registered for the offence punishable under Sections 103(1) and 3(5) of B.N.S., 2023.

3. Learned counsel for the petitioners submits that petitioner no.1 and 3 are persons with clean antecedent and petitioner no.3 has antecedent of one case and the informant alleges that on 29.07.2024 at about 9 A.M. the dead body of his father was found lying under the prahanda bridge and blood was oozing from his head, thus the informant based on suspicion



alleges that the occurrence was committed by the accused persons including the petitioners.

4. The learned counsel submits that the informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion and the petitioners are agnates of the informant and are having dispute relating to land. It is also submitted that no motive in the F.I.R. has been assigned for committing the occurrence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that what is not in dispute rather stands admitted is that the father of the informant was killed and based on suspicion the informant alleges that petitioners killed his father but then fairly submits that no motive has been assigned. It is also submitted that if privilege of anticipatory bail is granted to the petitioners, in that event, the petitioners may abscond, on which, the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Cherki P.S. Case No.40/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this court are not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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