

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45892 of 2014

Arising Out of PS.Case No. -62 Year- 2014 Thana -ISHAKCHAK District- BHAGALPUR

- =====
1. Apurb Kumar Das @ Apur Kumar Das son of Late Sahdeo Chandra Das.
 2. Bipalbi Das @ Bidyanabi Das wife of Apurb Kumar Das @ Apur Kumar Das.
- Both residents of Village Kasawa, P.S. Shambhuganj, District Banka. At present resident of Mohala Bhikkhanpur, Gumti No. 1, Ward No. 35, P.S. Ishakchak, District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

3 07-05-2015 Heard Mr. Rama Kant Sharma, learned senior counsel assisted by Mr. Lakshmi Kant Sharma, learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

The petitioners apprehend arrest in Ishakchak P.S. Case No. 62 of 2014 dated 20.05.2014 instituted under Sections 376(ii) (G)/302/120B/201 of the Indian Penal Code and 4 of The Protection of Children from Sexual Offences Act, 2012.

The allegation against the petitioners who are the Uncle and Aunt along with two others is that they had killed the daughter of the informant.

Learned counsel for the petitioners submits that



the mere fact that the girl was living with the petitioners shows that the family had trust and further the girl being the own niece of petitioner no. 1, there could not have been any reason for them to commit any crime. Learned counsel submits that the girl had committed suicide and she had also left a suicidal note in her own hand, copy of which is Annexure-4. Learned counsel submits that at the instance of the petitioners, the informant along with other family members had come to the hospital and had also signed on the fardbeyan leading to registering of U.D. Case No. 04 of 2013 in Ishakchak P.S. and further the body was subjected to postmortem and the report does not disclose any abuse of any kind. Learned counsel submits that the occurrence is of 06.08.2013 but the case has been lodged on 26.10.2013 for which also there is no explanation. Learned counsel submits that the petitioners have clean antecedent and only because of the wrong advice given to the informant, the present case has been lodged and they have been falsely implicated.

Learned A.P.P. and learned counsel for the informant oppose the prayer for anticipatory bail. Learned counsel for the informant submits that the police has not been investigating the case properly and further the suicidal note ought to be sent for forensic examination. He further submits that he has also filed a petition for the same before the police.

The Court would not comment on the

application of the informant before the police which may be acted upon in accordance with law by the authorities concerned.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Ishakchak P.S. Case No. 62 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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