

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33154 of 2017

Arising Out of PS.Case No. -255 Year- 2014 Thana -BANKA District- BANKA

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1. Rekha Devi, W/o Horil Das,
2. Horil Das, Son of Jhalar Das,
3. Rupesh Das, Son of Horil Das,
All R/o Mahesadih, P.S. & District- Banka.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
Mr. Shree Niwas Singh
For the Opposite Party/s : Mr. Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 20-07-2017 Heard Sri Ashok Kumar, learned counsel assisted by
Sri Shree Niwas Singh, learned counsel for petitioners and Sri Jai
Narain Thakur, learned Addl. Public Prosecutor.

Three petitioners, who are mother-in-law, father-in-law and husband of the deceased respectively, have prayed for grant of anticipatory bail in Banka P.S. Case No. 255 of 2014 registered for offence under Sections 304(B), 201, 34 of the Indian Penal Code.

It was submitted by learned counsel for petitioners that initially, a U.D. case was lodged and thereafter, the informant filed a complaint case, vide Complaint Case No. 1001 of 2014, which was referred to police for its registration and investigation under Section 156(3) of the Cr.P.C. and as such, the present F.I.R.



was lodged. It has further been argued that since the accusation was false, police, after investigation, submitted final report and exonerated all the petitioners, however; the learned Magistrate after submission of the police report, differing with the police report, has taken cognizance of offence.

Considering the fact that during statutory investigation, the case was not found true and police exonerated petitioners and submitted final report and learned Magistrate differing with the police report has passed order of cognizance, the Court is of the opinion that it is at least a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the aforesaid three petitioners namely 1. Rekha Devi, 2. Horil Das and 3. Rupesh Das be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Banka P.S. Case No. 255 of 2014, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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