

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70960 of 2018

Arising Out of PS. Case No.-139 Year-2018 Thana- DHAMDAHA District- Purnia

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1. Basuki Kunwar @ Baski Kumar, Son of Jagdish Kunwar @ Jagdish Kumar,
 2. Munna Kunwar @ Munna Kumar, Son of Late Srikant Kanwar, Both R/o Village- Devri, P.S.- B. Kothi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Dr. Bidhu Ranjan, Adv. Ms. Preety Kunwar, Adv.
For the Opposite Party/s :		Mr. Ajay Kumar -2, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302 and 201 of the IPC.

The prosecution case, as per the fardbeyan of Rakesh Kumar Sharma, recorded by S.I. Siyaware Nandal on 02.06.2018, is to the effect that the informant, being the Chaukidar of Circle No. 8, Village Bajraha heard a rumor that a female dead body is lying near the canal. When the informant went to verify the same, he saw a dead body with burn injuries. Thereafter, the information was given to the nearest police station, but since the dead body could not be identified by the villagers, hence the



FIR was lodged against unknown persons. It is further alleged that during the investigation, it transpired that the petitioners and others participated in disposal/concealment of the dead body.

It is submitted by learned counsel for the petitioners that the petitioners are not the family members of the in-laws of the victim. The petitioners are simply the co-villagers. From the impugned order, it appears that paragraph nos. 34 to 38 of the case diary suggest that the petitioners participated in disposal/concealment of the dead body. Even assuming such accusation to be true, at best, the only offence which could be made out against the petitioners is under Section 201 of the IPC, which is a bailable offence. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that though the petitioners are not named in the FIR, but during the investigation, it transpired that they participated in concealment/disposal of the dead body.

Considering the fact that the thrust of accusation is against the in-laws family members including the husband of the victim and the impugned order reflects only circumstantial evidence against the petitioners, coupled with the statement



made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No. 139 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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