

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47319 of 2018

Arising Out of PS. Case No.-681 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Sanjeev Kumar, S/o Late Madho Lal Mandal
 2. Manoj Kumar @ Chiranjivi Kumar, S/o Bishun Deo Mandal,
Both resident of Village- Jamgaon, P.S.- Jagdishpur, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Baby Devi, D/o Late Dhruv Narayan Prasad, resident of Village- Jamgaon,
P.S.- Jagdishpur, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-08-2018 Heard learned counsel for the petitioners, learned APP for
the State and learned counsel for the complainant.

Petitioners apprehend their arrest in **Complaint Case**
No.681 of 2017 instituted for the offence under Section(s) 302
and 120B of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
petitioner no.1 is elder brother of the husband of the
complainant. Petitioner no.2 is villager. Learned counsel for the
petitioners has further submitted that instant case has been filed
due to property dispute between the two brothers.

Learned counsel for the complainant, on the other hand,
has submitted that petitioners have not disclosed the correct



facts in paragraph no.3 of the bail petition. It is submitted that three other cases are also pending against them. Petitioners have mentioned that no case is pending against them.

A supplementary affidavit has been filed on behalf of the petitioners, wherein, it has been mentioned that complainant, who is wife of brother of petitioner no.1 had lodged two cases against petitioner no.1 and his son Abhishek and one another case is related to election matter. He has given the detail of those cases in the supplementary affidavit. He has further submitted that the husband of the complainant has died due to drowning for which U.D. case was lodged earlier by the police. The aforesaid occurrence has taken place on 9.7.15. The petitioners have enclosed the postmortem report submitted by the doctor in the aforesaid U.D. case, wherein, it has been mentioned that cause of death of the husband of the complainant was due to drowning. It is further submitted that father-in-law of the complainant died and thereafter there is property dispute between the petitioner no.1 and the husband of the complainant, on account of which, the instant case has been filed.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event



of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Complaint Case No.681 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate-XII, Bhagalpur**, subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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