

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5952 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- RUPASPUR District- Patna

RAKESH KUMAR, son of late Ramji Prasad, Village - Badiha, P.S. - Nagar Nausha , Distt.- Nalanda, at present residing at 1400, 15 BA, Pachhmi Laxminagar Khemnichak, P.S. - Ramkrishna Nagar, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73832 of 2018

Arising Out of PS. Case No.-166 Year-2018 Thana- RUPASPUR District- Patna

Sunita Kumari wife of Rakesh Kumar, resident of Village- Badiha, P.S. Nagar Nausha, District- Nalanda, at present residing at 1400, 15 BA, Pachhmi Laxminagar Khemnichak, P.S.- Ramkrishna Nagar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5952 of 2019)

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Syed Mojibur Rahman

(In CRIMINAL MISCELLANEOUS No. 73832 of 2018)

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Smt. Reena Sinha

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 11-03-2019 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Section 302 IPC registered in connection with Rupaspur P.S. Case No. 166 of 2018.

3. It is submitted that the petitioners have been



falsely implicated and the FIR is against unknown. There is no eye-witness to the alleged occurrence and the body of the deceased was found lying in a field. The petitioners claim clean antecedents.

4. Learned APP invites reference to para 25 of the case diary in which the wife of the deceased has stated that Rakesh Kumar (petitioner of Cr. Misc. No. 5952 of 2019) had taken away the deceased for registration of land, after which the deceased did not return.

5. Having regard to the nature of accusations and gravity of offence alleged and also that Rakesh Kumar (petitioner of Cr. Misc. No. 5952 of 2019) is said to have taken away the deceased in connection with registration of land after which the deceased did not return, this Court is not inclined to grant the privilege of anticipatory bail to Rakesh Kumar (petitioner of Cr. Misc. No. 5952 of 2019). whose anticipatory bail petition stands dismissed.

6. As regards Sunita Kumari (petitioner in Cr. Misc. No. 73832 of 2018), in the event of the her arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner (Sunita Kumari) be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Danapur, in connection with



Rupaspur P.S. Case No. 166 of 2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner.

ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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