

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15893 of 2019

Arising Out of PS. Case No.-2188 Year-2008 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. BIMAL KRISHNA CHAKRABORTY @ UJJAL CHAKRABORTY @ VIMAL CHAKRAVARTY @ UJJAWAL CHAKRABARTI, Son of Late Bhawtarini Chkaraborty Resident of Village- Ubchuria, P.O.- Poddardih, P.S.- Nirsa, District- Dhanbad (Jharkhand)
 2. Nirmal Gorain @ Nirmal Gorai, Son of Shri Mantu Gorain Resident of Village- Kusumkanali, P.O.- Debiara, P.S.- Nirsa, District- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pushpa Gorain, Daughter of Late Niranjan Gorain and Widow of Late Parimal Gorain Resident of Ubchuria, P.O.- Poddardih, P.S.- Nirsa, District- Dhanbad (Jharkhand)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh
For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-03-2019 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 2188 of 2008, disclosing offences under Sections 302/120B of the Indian Penal Code.

A First Information Report was earlier registered under Section 156 (3) of the Code of Criminal Procedure, 1973, on the basis of complaint case. The Police appears to have submitted final report finding the case to be false. However, on



the basis of protest -cum- complaint petition filed by the informant, the Court below has taken cognizance of the offence punishable under Sections 302/120B of the Indian Penal Code.

Learned Counsel appearing on behalf of the petitioners has submitted that the deceased, informant's husband, had died of accidental drowning and all persons, with whom the informant was on inimical terms, have been falsely implicated in the criminal case.

Considering the circumstance that no investigation is pending and upon conclusion of investigation, final report had been submitted by the Police, exonerating the petitioners of allegation made in the complaint petition, in my view, a case for grant of privilege of anticipatory bail is made out.

Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIV, Bhagalpur, in connection with Complaint Case No. 2188 of 2008, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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