

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40067 of 2019

Arising Out of PS. Case No.-119 Year-2019 Thana- HISUWA District- Nawada

1. Haridwar Singh (M) aged about 62 years, Son of Late Kailash Singh
2. Pankaj Kumar (M) aged about 39 years, Son of Haridwar Singh
3. Paro Devi (F) aged about 37 years, Wife of Pankaj Kumar
4. Rupbati Devi (F) aged about 60 years, Wife of Haridwar Singh
All are residents of Village- Oro, Police Station- Hisua, District- Nawada.
5. Pammi Devi @ Pammi Kumari (F) aged about 32 years, Daughter of
Hridwar Singh, Wife of Santosh Kumar, Resident of Village- Oro, Police
Station- Hisua, District- Nawada. present resident of Khauna, Gangapur,
Police Station-Hulasganj District- Jehanabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Raj Kumar, Mr. Vijay Kumar, Advocate
For the State	:	Mr. Ashraf Ansari, APP
For the Informant	:	Mr. Bipin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 26-08-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences
alleged under Sections 302, 201 and 120(B)/34 of the Indian Penal
Code registered in connection with Hisua P.S. Case No. 119 of
2019.

3. It is submitted that the petitioners have been falsely
implicated and the accusations against them are general and
omnibus in nature. It is submitted that petitioner nos. 2 and 3 are
living separately in the district of Solan, Himachal Pradesh and they
were not present at the time of occurrence. Petitioner no. 5 is the
married *Nanad* who has been living separately from the deceased.
The petitioners claim clean antecedents.



4. Learned APP assisted by learned counsel for the informant opposes the petition. Learned APP submits that the witnesses, namely, Santosh Kumar and Raushan Kumar in paragraphs 6 and 11 of the case diary have supported the prosecution case. It is further submitted on the basis of statements made in paragraph 18 of the case diary that Chowkidar has stated that upon arrival of the police, half-cremated body of the deceased was abandoned by the accused persons who fled from the spot. There is material in the case diary to support the accusation of torture by the accused persons. There is nothing in the case diary to suggest that petitioner nos. 2 and 3 were living in Himachal Pradesh. Post mortem of the body of the deceased could not be performed in Sadar Hospital, Nawada and the dead body was sent to PMCH for the purpose.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to petitioner nos 1 to 4, namely, Haridwar Singh, Pankaj Kumar, Paro Devi and Rupbati Devi. Their anticipatory bail petition stands dismissed.

6. As regards petitioner no. 5, namely, Pammi Devi @ Pammi Kumari, considering the submission of petitioner no. 5 that she is the married *Nanad* of the deceased, who has been living separately in the district of Jehanabad, in the event of her arrest or surrender before the court below within six weeks from the date of communication of this order, let her 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 Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No. 119 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of petitioner no. 5.



(ii) That petitioner no. 5 shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 5 shall be well represented in court on each and every date during trial except as and when directed by the learned Court below to be physically present, 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.

(iv) That petitioner no. 5 shall cooperate 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.

(Vikash Jain, J)

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