

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51337 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- BHARGAMA District- Araria

1. KAMAL DAS @ KAMLESHWARI DAS Son of Late Bhagwat Das
 2. Bimal Das Son of Late Bhagwat Das
 3. Manjula Devi Wife of Bimal Das
 4. Dev Nr. Das @ Dev Narayan Das Son of Late Subodh Das @ Subodh Das @ Ram Chandar Das
 5. Ram Chandra Das @ Ram Chandar Das @ Batohi Das @ Bathohi Das Son of Late Subodh Das @ Subodh Das
 6. Chandra Kishor Das @ Chand Kishor Das
 7. Gajan Das @ Gajendra Das
 8. Ujen Das
- petitioner no. 6 to 8 are Sons of Kamal Das
All are Resident of Village- New Bhargama Ketan Tola, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-11-2019 The petitioners apprehend their arrest in connection with

Bhargama P. S. Case No. 71 of 2019 registered under Sections

120B and 302/34 of the Indian Penal Code.

Allegation against the petitioners is that petitioners along
with other accused persons assaulted the son of the informant,
leading to his death, due to love affair between the son of the
informant and daughter of the co-accused Manoj Das.

Mr. Viveka Nand Singh, learned counsel appearing on



behalf of the petitioners submits that petitioners have falsely been implicated in this case inasmuch as entire family members have been made accused due to love affair between the son of the informant, who is deceased, and the daughter of one co-accused Manoj Das. He further submits that postmortem report is not supporting the prosecution story and the death has been caused due to asphyxia. Learned counsel further submits that petitioner no. 1 is 70 years old and petitioner no. 3 is 55 years an old woman and there is no overt act against them in the FIR.

On the other hand, learned counsel for the State, referring to postmortem report, submits that there are altogether five injuries on the person of the deceased and death is caused due to asphyxia as a result of throttling and the deceased was assaulted inside the house of the accused persons as such petitioners do not deserve privilege of anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that dead body of the deceased was found in front of the house of the co-accused Manoj Das and death has taken place as a result of throttling and there is injury marks on the dead body of the deceased as such I am not inclined to grant anticipatory bail to the petitioners, except petitioner nos. 1 and 3. Accordingly, prayer for anticipatory bail



of petitioners, except petitioner nos. 1 and 3, is rejected.

However, taking into consideration of the advance age of the petitioner no. 1 and petitioner no. 3 being a lady, and no specific overt act has been alleged against them, as such I am inclined to grant anticipatory bail to them. Accordingly, petitioner no. 1 namely Kamal Das @ Kamleshwari Das and petitioner no. 3 namely Manjula Devi, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Mr. Kumud Ranjan, J.M. 1st Class, Araria in connection with Bhargama P.S.Case No. 71 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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