

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.362 of 2020

Arising Out of PS. Case No.-225 Year-2019 Thana- HARNAUT District- Nalanda

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1. TINKU KUMAR S/o Sanjay Mahto R/o village- Panchsheel Nagar, Harnaut, P.S.- Harnaut, Distt.- Nalanda
 2. Chhotu Kuamr S/o Sanjay Mahto R/o village- Panchsheel Nagar, Harnaut, P.S.- Harnaut, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar Sinha

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners seeks permission of the Court to withdraw the present application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

Heard learned counsel for the petitioner no. 2 and learned APP for the State.



The petitioner no. 2 is apprehending his arrest in a case registered under Sections 302 and 120(B) of the Indian Penal Code.

Allegation against the accused persons is of committing torture and assault and thereafter caused death of the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 2. The petitioner no. 2 is devar of the deceased. He is separate in mess and property from the husband of the deceased. He has got no concern with the alleged occurrence. The husband of the deceased is in custody. There is no eye witness to the alleged occurrence.

On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner no. 2 above named, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in



connection with Harnaut P.S. Case No. 225 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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