

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6845 of 2020

Arising Out of PS. Case No.-436 Year-2019 Thana- DHANARUA District- Patna

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1. RANJIT PRASAD Son of Kamleshwar Prasad Resident of Awadheshpur, P.S.- Dhanarua, Distt- Patna.
 2. Chunchun Devi W/o Ranjit Prasad Resident of Awadheshpur, P.S.- Dhanarua, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Harendra Prasad APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 09-07-2020 The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Dhanarua P.S. Case no. 436 of 2019 instituted for the offence under Section(s) 147,148,323,324,307,341,342 and 354 of the Indian Penal Code.



The informant has made allegation against his elder brother (petitioner no.1) and his wife (petitioner no.2) that they along with 20 associates, including five named persons, have assaulted the informant as well as his younger brother. Petitioner no.1 is alleged to have assaulted his own mother and father who is also the mother and father of informant.

Petitioner's counsel submits that the informant has gained over the parents. The informant has been depriving the petitioners of the benefits from the agriculture produce of the joint family property. Prosecution is based on *mala fide* and falsehood.

The learned APP has opposed the prayer for bail by submitting that specific allegation against the petitioner No.1 is of assault upon his parents and their extreme humiliation, including disrobing.

Considering the rival submissions, this Court is not inclined to extend the benefit of anticipatory bail to the petitioner no.1, namely, Ranjit Prasad.

Prayer for anticipatory bail is rejected.

So far petitioner no.2, namely, Chunchun Devi, who is sister-in-law of the informant is concerned, this Court is inclined to extend her the privilege of anticipatory bail.



In the facts and circumstances of the case, prayer of the petitioner No.2, namely, Chunchun Devi for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner no.2, before the court below, within four (04) weeks from today, she shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the SDJM, Masaurhi, Patna in connection with Dhanarua P.S.Case no. 436 of 2019 subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner No.2 who will give an affidavit giving genealogy as to how he is related with the petitioner No.2. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner No.2.

(ii) That the petitioner No.2 will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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