

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17211 of 2020

Arising Out of PS. Case No.-67 Year-2019 Thana- SARMERA District- Nalanda

1. ANAND KISHORE PRASAD Son of Buddhdeo Prasad Resident of Village - Govindpur, P.S. - Sarmera, District - Nalanda.
2. Ravi Ranjan Kumar @ Munni Son of Anand Kishore Prasad Resident of Village - Govindpur, P.S. - Sarmera, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Adv.
		Mr. Giridhar Gopal Tiwary, Adv.
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-11-2020 The present case was heard at length on 13.11.2020 and it has been listed today under the heading “For Orders”.

The petitioners apprehend their arrest in connection with Sarmera P.S. Case No. 67 of 2019 corresponding to G.R. no. 2231 of 2019 for the offence punishable under Sections 302, 201, 498A and 34 of the Indian Penal Code.

The allegation, as per the FIR, is that the marriage of the informant was solemnized with the deceased namely Dharmendra Kumar @ Karu in the year 2013, however, subsequently, the accused persons used to torture the



informant and her deceased husband and on 05.04.2019 the petitioners along with other accused persons had taken away the husband of the informant towards the river situated in southern side of the village and had killed him by assaulting him by lathi and sticks, whereafter they had disposed off the body of the deceased.

The learned senior counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned senior counsel for the petitioners has further submitted that the deceased husband of the informant was mentally unsound and was undergoing treatment as is apparent from the prescription of the Doctor which is annexed as Annexure-2 series to the present petition. It is further submitted that the informant has herself filed a petition before the learned court below on 08.01.2020, in the connected criminal case, stating therein that she had filed the criminal case in question merely on suspicion and upon being misled by some persons. The said petition is annexed as Annexure-5 to the present petition. The learned Senior counsel for the petitioners has also submitted that immediately after the deceased husband of the informant had disappeared on



05.04.2019, the petitioner no.1, who is father of the deceased, had filed an informatory petition and much thereafter, i.e on 23.04.2019, the connected FIR has been registered at the instance of the informant with incorrect allegations. Lastly, it is submitted that the petitioner no.1, who is father of the deceased and the petitioner no.2, who is the brother of the deceased have got no complicity in the matter and moreover, a co-ordinate Bench of this Court, by an order dated 12.10.2020 passed in Cr. Misc. No. 12240 of 2020, has already granted bail to one of the brothers of the deceased.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioners.

Having heard the learned counsel for the parties, having perused the materials on record and having gone through the case diary in question, this Court finds that there is miniscule evidence qua the petitioners herein as far as consideration of the present bail petition is concerned and moreover, similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, apart from the fact that the petitioners are having clean antecedent, thus, this Court deems it fit and



proper to admit the petitioners to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Nalanda in connection with Sarmera P.S. Case No. 67 of 2019, corresponding to G.R. No. 2231 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

It is further directed that the petitioner shall mark his attendance before the S.H.O. of the concerned police station on each and every Monday of the week at 10 A.M. and in the event of his failure to do so on two consecutive occasions, the present privilege of regular bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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