

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11746 of 2020

Arising Out of PS. Case No.-63 Year-2004 Thana- ARA NAWADA District- Bhojpur

1. Deen Bandhu Pathak Son of Late Jeet Ram Pathak Resident of Mohalla - Professor Colony, Hari Jee Ka Hata, Ara, P.S.- Ara Nawada, District - Bhojpur - 802301
2. Sajay Pathak @ Sanjay Kumar Son of Late Jeet Ram Pathak Resident of Mohalla - Professor Colony, Hari Jee Ka Hata, Ara, P.S.- Ara Nawada, District - Bhojpur - 802301

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mayuri, Adv.

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-06-2020 Heard learned counsel for the petitioners and learned A.P.P for the State, through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Ara Nawada P.S. Case No.63 of 2004, registered under sections 302, 201 and 34 of the Indian Penal Code.

As per allegation in the F.I.R, the daughter of the sister of the informant was tortured by the accused persons and ultimately it is stated that she was done to death by strangulation and her body was found hanging from the fan.

It is submitted by learned counsel for the petitioners that after conclusion of the investigation, the Investigating Officer



submitted charge sheet in the case but did not find the case to be true against the two petitioners herein, besides others. Sufficient material not being there, they were not sent up for trial. In course of trial a petition under section 319 of the Cr.P.C. was filed which was allowed by order dated 5.8.2017 (Annexure-2) and the petitioners herein were summoned to face trial. It is further submitted that Cr.Misc. no.59206 of 2017 has been preferred by the petitioners against the order dated 5.8.2017 but the same is still pending. The submission on behalf of the petitioners is that the entire incident took place over the issue of compassionate appointment. Both the petitioners being well placed in life, it cannot be imagined that they would be interested for compassionate appointment.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the aforesaid facts of the case including the fact that the petitioners have been summoned under section 319 of the Cr.P.C., the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with



Sessions Trial no.486/2006 (arising out of Ara Nawada P.S. Case No.63 of 2004), they will be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 16th Additional Sessions Judge, Bhojpur, Ara, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

However, taking into consideration the fact that the case is of the year 2004, it is directed that the petitioners shall cooperate in the trial and in case of their non-cooperation it shall be open for the learned Court below to cancel their bail bonds and take them into custody.

(Partha Sarthy, J)

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