

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13439 of 2020

Arising Out of PS. Case No.-88 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. ANKITA KUMARI @ CHUBHAKI KUMARI D/o Dilip Kumar Singh Resident of Village - Shobhnathpur, P.S. - Shambhuganj, District - Banka.
2. Dilip Kumar Singh S/o Late Upendra Narayan Singh Resident of Village - Shobhnathpur, P.S. - Shambhuganj, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2020 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.

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

The petitioners are apprehending their arrest in a case registered under Sections 366(A) and 34 of the Indian Penal Code.

Prosecution allegation against the accused persons is that with a view to grab the ancestral property, the accused persons, under conspiracy, took away the mother of the



informant and get registered the paternal properties.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner no. 1 is grand daughter of the victim while petitioner no. 2 is son of the victim. The informant is the brother of the petitioner no. 2 and he is also the son of the victim. Due to property dispute, the present case has been instituted. The victim happens to be the mother of petitioner no. 2. Hence, no offence under Section 366A is made out. The present case has been instituted on the basis of a complaint case. The date of occurrence is said to be 22.6.2018 for which the complaint case was filed on 6.4.2019. The delay has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners 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 their personal bonds to the satisfaction of learned A.C.J.M.



-1, Banka in connection with Shambhuganj P.S. Case No. 88 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Once the normalcy is restored, the petitioners 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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