

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13367 of 2020

Arising Out of PS. Case No.-81 Year-2019 Thana- BANKA District- Banka

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1. SARITA DEVI Wife of Dhananjay Das Resident of Gonalbari, P.S.- Banka, Distt - Banka.
 2. Kuliya Devi Wife of Mohan Das Resident of Gonalbari, P.S.- Banka, Distt - Banka.
 3. Kaushalya Devi Wife of Niranjana Das Resident of Gonalbari, P.S.- Banka, Distt - Banka.
 4. Dhananjay Das Son of Mohan Das Resident of Gonalbari, P.S.- Banka, Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Das No.2

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-06-2020 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.

At the outset, it is submitted by learned counsel for the petitioners that during pendency of this application, the petitioner Nos. 1, 2 & 3 were arrested and now they have been enlarged on bail by learned court below itself. Hence, the application with regard to petitioner Nos. 1, 2 & 3 has now become infructuous.



Accordingly, this application with regard to petitioner Nos. 1, 2 & 3 is dismissed as being infructuous.

Heard learned counsel for the petitioner No. 4 and learned APP for the State.

The petitioner No. 4 is apprehending his arrest in a case registered under Sections 341, 323, 307, 448, 504, 506/34 of the Indian Penal Code.

Allegedly, while the informant was at her house, all the accused persons came there and having abused, threatened to withdraw the case. They asked whereabouts of informant's husband who was not present there. During search, they found her husband standing at the door of the house and seeing him, they started assaulting the informant's husband, as a result of which, he became unconscious and fell down.

It has been submitted on behalf of the petitioner No. 4 that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 4. The petitioner No. 4 has been falsely implicated in the present case. General and omnibus allegation has been made against the petitioner No. 4. From perusal of injury report, it appears that the injury is simple in nature. No offence u/S 307 of the Indian Penal Code is made out.



On behalf of the State, it is submitted that the petitioner No. 4 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner No. 4 , 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, Banka in connection with Banka P.S. Case No. 81 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 4 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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