

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13874 of 2020

Arising Out of PS. Case No.-361 Year-2019 Thana- BIHARIGANJ District- Madhepura

1. SOMAN DOM Son of Late Natai Dom Resident of Village - Gamaill Domasi, P.S.- Bihariganj, District- Madhepura
2. Ashok Dom Son of Late Chaturi Dom @ Chaturi Mehatar Resident of Village - Gamaill Domasi, P.S.- Bihariganj, District- Madhepura
3. Prakash Dom Son of Late Chaturi Dom @ Chaturi Mehatar Resident of Village - Gamaill Domasi, P.S.- Bihariganj, District- Madhepura
4. Ghuro Dom Son of Rajo Dom Resident of Village - Gamaill Domasi, P.S.- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-06-2020 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 365 & 364 of the Indian Penal Code.

Prosecution case in short is that while the husband of the informant was sleeping on the Machanof Darwaza, five accused



persons got there down from Bolero and started taking away her husband and on protest, the informant's husband was threatened of dire consequences. The informant saw the accused persons taking away her husband.

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 been falsely implicated in the present case merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioners in the present case. The date of occurrence is said to be 10-11-2019 but the case was instituted on 01-12-2019. The delay in instituting the FIR has not been explained by the prosecution.

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

Considering the aforesaid 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 bond to the satisfaction of learned Judicial Magistrate-Ist Class, Udakishunganj,



Madhepura in connection with Bihariganj P.S. Case No. 361 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 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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