

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 19543 of 2020

1. Govind Das, son of Late Geno Das, resident of village Sewa, P.S.-Gidhaur (Laxmipur), District-Jamui.
 2. Rahul Das, son of Durga Das, resident of village Teliyadih, P.S.-Jhajha, District-Jamui.

... .. Petitioners

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioners : Mr. Pankaj Kumar Sinha, Advocate
 For the Respondent State: Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-08-2020 Heard Mr. Pankaj Kumar Sinha, learned counsel appearing on behalf of the petitioners and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Laxamipur/Gidhaur P.S. Case No. 475 of 2019, registered for the offence punishable under Sections 147, 149, 341, 323, 325, 307 and 379/504 of the Indian Penal Code.

The informant is husband of one of the persons named in the F.I.R.. It is alleged in the F.I.R. that the informant's father-in-law, petitioner No.1, assaulted him with an iron rod. There is allegation against father-in-law also of having assaulted him and having snatched a golden chain. It is the case of the petitioners that prior to lodging of present criminal case, the



informant's wife had lodged complaint case making out offence punishable under Section 498A of the I.P.C. and Section 3/4 of Dowry Prohibition Act. It has been stated in the application that because of subsequent torture by the informant, another complaint case has been filed by his wife before the court below. Petitioner No.1 is father-in-law of the informant, whereas petitioner No.2 is cousin of informant's wife.

Learned counsel for the petitioners has argued that though it has been asserted in the F.I.R. that the informant received fracture injury, no such injury has been found. There is no allegation of repetition of blow even in the F.I.R.

Considering the background and circumstance in which the occurrence is alleged to have taken place, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Jamui, in Laxamipur/Gidhaur P.S. Case No. 475 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners



shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is indicated that defect, if any, shall be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the



present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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