

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26153 of 2020

Arising Out of PS. Case No.-376 Year-2019 Thana- PATNA CITY CHOWK District- Patna

1. GOPI KUMAR Son of Sri Shankar Prasad R/o Mohalla- Kachauri Gali, P.S.- Chauk Thana (Patna City), District- Patna.
2. Vinay Kumar Son of Sri Shankar Prasad R/o Mohalla- Kachauri Gali, P.S.- Chauk Thana (Patna City), District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul with Mr.Surendra Prasad Singh
Advocates

For the Opposite Party/s : Mr.Satyendra Narain Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by



office when called upon.

Petitioners apprehend their arrest in connection with Chauk P.S. Case no. 376 of 2019 instituted for the offence under Section(s) 364/34 of the Indian Penal Code. Later on Section 302/201 of the I.P.C. was added.

The informant has alleged that co-accused persons, namely, Mahadev Gupta, Suraj Gupta and Raju Sharma have called the petitioner's husband on the fateful day in the evening. The husband has subsequently been found dead.

Petitioners' counsel submits that having no criminal antecedents, the petitioners have been implicated merely because they happened to be friend of co-accused Mahadev Gupta. Their name has been taken by co-accused persons, namely, Vinay Kumar and Naman Kumar in their confessional statement having no evidentiary value. Even in their statement, no specific overt act has been alleged against the petitioners. Till date, there is no process under Section 82 Cr. P.C. as per instruction.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the court below, within four (04) weeks from today, they shall be



released on anticipatory 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 A.C.J.M. II, Patna in connection with Chouk P.S. Case No. 376 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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