

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25981 of 2020**

Arising Out of PS. Case No.-156 Year-2019 Thana- KHAGARIA District- Khagaria

1. NISHU KUMAR Son of Narayan Sah Resident of Village- Mathurapur, P.S.- Khagaria, District- Khagaria.
2. Golu Kumar Son of Narayan Sah Resident of Village- Mathurapur, P.S.- Khagaria, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-10-2020 Learned counsel for the petitioners undertakes to remove the defects, if any, within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Md. Iftekhar Mahmood, learned A.P.P. for the State.

The two petitioners in this case are the dewars (younger brothers of the deceased). They are seeking anticipatory bail in connection with Khagaria P.S. Case No.156/2019 registered for the offence under Sections 304(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that in the F.I.R. there are general and omnibus allegations against all the family members of the in-laws family and a learned coordinate Bench of this Court has been pleased to grant privilege of anticipatory bail to the



father-in-law, mother-in-law and unmarried Nanad of the deceased vide order dated 25.11.2019 passed in Cr. Misc. No. 41647/2019 (Annexure '2'). It is thus submitted that these petitioners against whom also there is no specific allegation deserve privilege of anticipatory bail.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners, but nothing has been pointed out to this court to distinguish the case of the present petitioners with the case of the co-accused who have been granted privilege of anticipatory bail in Cr. Misc. No. 41647/2019.

Having regard to the facts and circumstances of the case wherein these petitioners are the dewars (younger brothers) hardly aged about 20 and 19 years respectively and there are only general and omnibus allegations in the F.I.R. as also that the co-accused has been granted privilege of anticipatory bail, let the petitioners above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No.156/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

