

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21713 of 2020

Arising Out of P.S. Case No.-316 Year-2019 Thana-Banka District-Banka

- =====
1. Pankaj Kumar Gupta, son of late Madan Lal Gupta
 2. Manju Devi, wife of late Maan Lal Gupta
- Both resident of Mohalla Mahavir Nagar, Banka, P.S. Banka, District Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Mukherjee
For the Opposite Party : Mrs. (Dr.) Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-08-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Banka P.S. Case No. 316 of 2019, disclosing the offence punishable under Sections 302/34 of the Indian Penal Code.

The deceased was married to petitioner no. 1 in 2006. Petitioner no. 2 is mother of petitioner no. 1. The deceased died on 03.05.2019. The FIR has been registered on the basis of a petition filed by the brother of the deceased on 07.05.2019 before Deputy Inspector General of Police, East Zone, Bhagalpur which came to be registered on 15.05.2019. It is alleged that there was demand of dowry and for non-



fulfillment thereof, the deceased has been killed by strangulation.

Learned counsel appearing on behalf of the petitioners has submitted that, as a matter of fact, the deceased had committed suicide in respect of which the father of petitioner no. 1 had got registered UD Case No. 10 of 2019. It has further been argued that the brother of deceased Rocky Poddar was present at the time of registration of said UD Case No. 10 of 2019, who had put his signature also without making any complain. A copy of the *fardbeyan* of father of petitioner no. 1 recorded on 03.05.2019, based on which the said UD case has been registered, has been brought on record.

Considering the aforesaid aspect of the matter and the submission that there is no material basis disclosed in the FIR to substantiate that the deceased was killed, in my opinion, a case for grant of anticipatory bail is made out. 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 bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial



Magistrate, Banka in Banka P.S. Case No. 316 of 2019, subject to the condition 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 also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, 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)

Rajesh/-

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