

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26186 of 2020

Arising Out of PS. Case No.-145 Year-2018 Thana- KATIHAR MUFFASIL District- Katihar

1. Ramemshwar Singh, Son of Late Chit Narayan Singh @ Chitra Nand Singh, Resident of Village - Naya Tola, P.S. Muffasil, District - Katihar.
2. Deepak Kumar @ Deepak Singh, Son of Rameshwar Singh, Resident of Village - Naya Tola, P.S. Muffasil, District - Katihar.
3. Ravi Kumar, Son of Rameshwar Singh, Resident of Village - Naya Tola, P.S. Muffasil, District - Katihar.
4. Pramit Kumar @ Pritam Kumar @ Pritam Singh, Son of Rameshwar Singh, Resident of Village - Naya Tola, P.S. Muffasil, District - Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioners are apprehending their arrest in



connection with Katihar Muffasil P.S. Case No.145 of 2018 registered for the offence punishable under Sections 302, 201, 498A/34 of the Indian Penal Code.

Informant's daughter has been found dead, leading to implication of the petitioners, who are the in-laws in the instant case, alleging that she has been done to death and thrown on the railway track for non-fulfilment of dowry demand.

Petitioners' counsel submits that, in fact, the victim had met with an accident on the railway track. In support of such submission, he relies upon an information received under the R.T.I. Act from the Railway authorities dated 16.11.2018, issued by the Public Information Officer, and submits that the Loco-Pilot of the train has given an information that one woman has suddenly jumped in front of the train. Learned counsel has placed on record the letter dated 27.11.2018 issued by the Sadar Hospital, Katihar, wherein the fact that she was taken for treatment to the Hospital stands corroborated. Further, a document issued by the Trauma Hospital at Patna has been filed as Annexure 4 to show that the victim woman was taken for treatment at Patna. It is under these circumstances that the final form was submitted and the case was not found to be true. Cognizance has been taken on a protest petition filed by the



prosecution party and as such, Petitioner No.1, who is the father-in-law and Petitioner Nos.2, 3, and 4, who are the brothers-in-law of the deceased, are apprehending their arrest.

Learned APP has opposed the prayer for bail. It is submitted that even as per the submission of the petitioners' counsel, now cognizance has been taken of the offence. The case is under Sections 302, 201, 498A/34 of the I.P.C. and not a case where the petitioners should be extended the privilege of anticipatory bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 J.M. 1st Class, Katihar, in connection with Katihar Muffasil P.S. Case No.145 of 2018, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of



the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors 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 bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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