

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23064 of 2020

Arising Out of PS. Case No.-303 Year-2019 Thana- DULHIN BAZAR District- Patna

1. Upendra Kumar @ Chotu, aged about 29 years, Gender-M, S/O- Sri Madhusudan Sao, Resident of Village - Narhi, P.S. - Dulhin Bazar, Distt. - Patna.
2. Kanhaiya Kumar, aged about 28, Gender-M, S/O- Sri Madhusudan Sao, Resident of Village - Narhi, P.S. - Dulhin Bazar, Distt. - Patna.
3. Viru Kumar, aged about 21 years, Gender-M, S/O- Sri Madhusudan Sao, Resident of Village - Narhi, P.S. - Dulhin Bazar, Distt. - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vijay Kumar Sinha, Advocate.
For the Opposite Party : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-09-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 302 and 201 of the



I.P.C.

The prosecution story, in brief, is that the informant got married his daughter Shyam Sunder Devi with Vakil Sao according to Hindu rites and customs in the year 2000. After marriage, his daughter had been subjected to atrocity and assault. Suddenly the informant received information in the morning on 13.11.2019 that the accused persons, including the petitioners have disappeared the dead body of his daughter Shyam Sunder Devi after killing her by pressing her neck. On being asked, the accused persons told that the dead body had been cremated.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioners have falsely been implicated in the present case. The petitioners are brothers-in-law (Dewars) of the deceased. They are separate in mess and property from the husband of the deceased. They have got no concern with the alleged occurrence. The husband of the deceased is in custody. Neither there is any eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the involvement of the petitioners in the present case.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, 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 learned J.M. Ist Class, Danapur, in connection with Dulhin Bazar P.S. Case No. 303 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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