

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24436 of 2020

Arising Out of PS. Case No.-155 Year-2018 Thana- CHANDAUTI District- Gaya

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1. REKHA DEVI Wife of Vidya Yadav Resident of Village- Govindpur, P.S.- Chandauti, District- Gaya.
 2. Dilip Yadav Son of Lakhan Yadav Resident of Village- Govindpur, P.S.- Chandauti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-12-2020 Heard Mr. Sunil Kumar Yadav, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Chandanti P.S. Case No. 155 of 2018 registered for the offences punishable under Sections 302 and 380/34 of the Indian Penal Code, 1860.

The allegation as per the First Information Report is that on 30.07.2018 at about 2:30 in the night, the daughter of the informant was sleeping in her room and when the informant woke up in the night, he saw that both the accused persons were



in the room of her daughter and petitioner No. 1 was pulling *Gamchha* around the neck of his daughter whereas another accused (petitioner No. 2) took out Rs. 9,00,000/- from the box which was kept in the same room.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to land dispute inasmuch as both the parties are agnates. Learned counsel further submits that in the First Information Report the informant has stated that the present First Information Report has been lodged after cremation of the dead body of his daughter. Learned counsel referring to the case diary submits that during course of investigation, witnesses have said that daughter of the informant has committed suicide and in order to falsely implicate the petitioner in this case, the present First Information Report has been lodged. Learned counsel also submits that the postmortem of the daughter of the informant was held on 30.7.2018 at 10:15 A.M. and in the FIR it has been alleged that she has died on the same day in the night i.e. at 2:30 A.M. which is self contradictory. The Police after investigation, in the supervision note has clearly stated that the informant in order to falsely implicate the petitioners, has lodged the present First Information Report.



On the other hand, learned counsel for the State referring to the case diary submits that it is true that in the supervision note, the Police has recorded that the informant in order to falsely implicate the petitioners in this case has lodged the First Information Report and witnesses have said that daughter of the informant has committed suicide.

Having heard learned counsel for the parties and taking into consideration the materials on record in totality, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Chandanti P.S. Case No. 155 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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