

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24275 of 2020

Arising Out of PS. Case No.-1049 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. SANTOSH KUMAR Son of Kishori Mahto Resident of village - Kanhauli, P.S. Kanhauli, District - Sitamarhi, at present Muhala Rajopatti brahmsthan, P.S. and District - Sitamarhi.
 2. Kishori Mahto Son of Late Ram Lakhan Mahto Resident of village - Kanhauli, P.S. Kanhauli, District - Sitamarhi, at present Muhala Rajopatti brahmsthan, P.S. and District - Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Setu Devi W/O Late Rambabu Kumar Resident of village and P.S. - Kanhauli, District - Sitamarhi, at present D/O Yogendra Bhagat, Resident of Village Hari Bela, P.S. - Bathnaha, District Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-09-2020 Heard Mr. Ranjeet Kumar Mishra, learned counsel for the petitioners and Mr. Gauri Shankar Gupta, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehends arrest in connection with Protest cum Complaint Case No. C-1 / 1049 / 17 in which cognizance has taken under Section 306 of the I.P.C.

The allegation against the petitioners as per the First Information Report lodged earlier being Sitamarhi P.S. Case No. 464 of 2013 is that the husband of the complainant - cum-



informant had sold a piece of land in favour of the petitioners and others and the accused persons used to torture physically and mentally the husband of the complainant - cum -informant and demanded money from him due to which he committed suicide.

Learned counsel for the petitioners submits that earlier a UD case was lodged being Case No. 04 of 2013 dated 18.04.2013. Learned counsel further submits that subsequently a complaint was filed by the complainant, which was registered as an F.I.R. under Section 156 (3) of the Cr.P.C. being Sitamarhi P.S. Case No. 464 of 2013. Learned counsel further submits that Police investigated the matter and after investigation submitted final form not sending the petitioners for trial. Learned counsel submits that however on the basis of protest -cum- complaint filed by the complainant, the learned Magistrate has taken cognizance under Section 306 of the I.P.C. against the petitioners on 20.06.2019.

Having heard learned counsel for the parties and taking into consideration the materials available on record and the fact that Police after investigation submitted final form not sending the petitioners for trial, 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi / court concerned in connection with Protest cum Complaint Case no. C-1 / 1049 / 17 , 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 bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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