

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23808 of 2020

Arising Out of PS. Case No.-141 Year-2018 Thana- NIRMALI District- Supaul

1. AARTI KUMAR @ AARTI KUMARI Daughter of Prabhu Pd. Sah @ Prabhu Prasad Sah Resident of Village - Nirmali, P.S.- Nirmali, District - Supaul
2. Prabhu Pd. Sah @ Prabhu Prasad Sah Son of Jagarnath Sah Resident of Village - Nirmali, P.S.- Nirmali, District - Supaul
3. Chanda Gupta Wife of Prabhu Pd. Sah @ Prabhu Prasad Sah Resident of Village - Nirmali, P.S.- Nirmali, District - Supaul
4. Chandan Kumar @ Vijay Kumar Sah Son of Prabhu Pd. Sah @ Prabhu Prasad Sah Resident of Village - Nirmali, P.S.- Nirmali, District - Supaul
5. Kundan Kumar Gupta @ Chhotu Son of Prabhu Pd. Sah @ Prabhu Prasad Sah Resident of Village - Nirmali, P.S.- Nirmali, District - Supaul

... .. Petitioners

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Roy, APP
For the Informant	:	Mr. Yogesh Chandra Verma, Sr. Advocete
		Mr. Satyendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-01-2021 Heard learned Counsel for the petitioners, learned Senior Counsel for the informant and the learned Counsel for the State.

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

Petitioners apprehend arrest in Nirmali PS Case No. 141 of 2018 registered under Sections 302/34 of the IPC.

The FIR regarding unnatural death of the victim was lodged. The same was investigated and subsequently final form was submitted.

It is submitted by learned Counsel for the petitioners that



much later the informant has lodged an objection and on such basis the petitioners have been implicated in this case. It is submitted that the petitioners' implication is merely on the basis of some suspicion alleging that petitioner No. 1 was on some inimical terms with the deceased. The death, even as per the investigation, has occurred in the house of the victim himself and there is no basis for implication of entire family of the petitioners.

Learned Senior Counsel for the informant has submitted that there were call details to show that the victim was telephonically in touch with the accused persons. The inquest report shows that the victim has been murdered, as blood stained blade has been found from the room where he was found hanging. Even the death as per inquest was due to cut found on the victim.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Birpur, Supaul in Nirmali PS Case No. 141 of 2018 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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