

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26864 of 2020

Arising Out of PS. Case No.-339 Year-2019 Thana- BAHADURGANJ District- Kishanganj

1. BEGUM @ BEGUM ARA Wife of Late Aaboddin Resident of Village-Domohani, P.S.- Bahadurganj, District- Kishanganj.
2. Gulabi Khatoon @ Gulabi Begum D/o Aaboddin Resident of Village-Domohani, P.S.- Bahadurganj, District- Kishanganj.
3. Md Kamaluddin @ Kalimuddin Son of Late Sukaru Resident of Village-Domohani, P.S.- Bahadurganj, District- Kishanganj.

... .. Petitioners

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr.B.N. Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 02-02-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners, in the present case, are seeking pre-arrest bail in connection with Bahadurganj P.S. Case No. 339 of 2019 registered for the offences under Section 302, 201, 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that these petitioners have been made accused on mere suspicion. In fact as per prosecution story itself, the son of the deceased was in love affair with the youngest daughter of the petitioner no. 1, the allegation is that the deceased was being pressurized to marry the petitioner no.2 who is elder daughter of petitioner no. 1 and for this purpose even Panchayati was held but the deceased was not agreeing to marry



petitioner no. 2. It is alleged that the deceased had gone to participate in the Panchayati and thereafter his dead body was found in a lonely place.

Learned counsel submits that in course of investigation no material at all has come against these petitioners. Nobody has seen these petitioners with the deceased and none of the persons named as the Panchas who had earlier held the Panchayati has supported the prosecution case.

Mr. B.N. Pandey, learned A.P.P. who is present in Court has assisted this court in absence of Mr. Binod Shankar Modi, learned A.P.P. who is not present. Mr. Pandey, learned A.P.P. has gone through the case diary and informed this Court that in course of investigation no material has come against the petitioners, rather police has converted this case under Section 306 I.P.C. and the independent witnesses whose statements have been found in paragraph 103 of the case diary have stated that the deceased had committed suicide, in the nature of the materials placed before this Court, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Bahadurganj P.S. Case No. 339 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

