

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39101 of 2020

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1. Dharmendra Das (M) aged about 28 years old S/o Chuha Das
 2. Chuha Das (M) aged about 49 years old S/o late Tarni Das
 3. Laxmi Devi (F) aged about 45 years old wife of Chahu Das
 4. Jharkhand Das (M) aged about 25 years old S/o Chuha Das
 5. Pandey Das @ Pandu Das (M) aged about 34 years old S/o late Tarni Das.

All are the residents of village-Gorgawan, P.S.-Amarpur, District-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anita Kumari Singh, Adv.
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-06-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State, Sri Ashok Kumar.

This is an application for grant of anticipatory



bail in connection with Amarpur P.S. Case No. 615 of 2019 registered for the offence punishable under Sections 341, 328, 304B, 201, 328 of the Indian Penal Code r/w Section 34 of the Indian Penal Code.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 1, who happens to be the husband of the deceased victim lady, in order to enable him to surrender before the learned court below and seek regular bail. Accordingly, the present petition qua the petitioner no. 1 stands dismissed as not pressed.

The allegation is regarding the accused persons having killed the deceased victim lady.

The learned counsel for the petitioners no. 2 to 5 submits that the petitioners no. 2 to 5 are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners no. 2 to 5 has further submitted that a bare



perusal of the FIR would show that a general and omnibus allegation has been leveled against the petitioners and moreover, no motive has been attributed for commission of the said offence / occurrence. Nonetheless, it is submitted that the petitioners no. 2 to 5 be granted conditional anticipatory bail, subject to the petitioner no. 1 surrendering before the learned court below.

Per contra, the learned APP for the State, Mr. Ashok Kumar, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners no. 2 to 5 and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been leveled against the petitioners no. 2 to 5 and if at all any person might be having complicity in the matter, it might be the husband of the deceased victim lady, who has already decided to surrender before the



learned court below, I deem it fit and proper to direct for admitting the petitioners no. 2 to 5 to the privilege of anticipatory bail, subject to them producing the proof of surrender of the petitioner no. 1 before the learned Court of Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 615 of 2019 and further, subject to such conditions as may be deemed fit and proper to be imposed by the learned court below.

The present petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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