

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40879 of 2020

Arising Out of PS. Case No.-6 Year-2019 Thana- MORO District- Darbhanga

1. BHAWANA KUMARI D/o Anil Kumar Chaudhary R/o Godei Patti, P.S.- Moro, Distt- Darbhanga.
2. KUMAR AYUSH S/o Anil Kumar Chaudhary R/o Godei Patti, P.S.- Moro, Distt- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Patanjali Rishi, Adv. Mrs.Pruna Rishi, Adv.
For the Opposite Party/s :		Mr.Navin Kumar Pandey, APP Mr.Nawal Kishore Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-11-2021 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case in connection with Moro P.S. Case No.06 of 2019, registered for the offence punishable under Sections 302, 328, 120B and 34 of the Indian Penal Code.

The prosecution case in short is that the son of the informant had gone to his in-laws house and on 12.03.2019, he informed his father (informant) that the petitioners along with



other co-accused persons have conspired to kill him and administered him poison. Thereafter, the informant's son was taken to the hospital, where he died during treatment.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence as alleged ever took place. The deceased appeared disturbed due to family dispute and in anxiety and despair he committed suicide. There is no eye-witness to the occurrence. Police after investigation, submitted the charge sheet under sections 306 and 34 of the IPC against the co-accused i.e. father of the petitioners. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. They have no criminal antecedent and the similarly situated co-accused, namely, Anil Kumar Chaudhary has been granted the privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 17.09.2019 passed in Cr. Misc. No.56772 of 2019.

Learned counsel for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the similarly situated co-accused has been granted anticipatory bail, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned



Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Moro P.S. Case No.06 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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