

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8020 of 2022

Arising Out of PS. Case No.-2508 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. SUNIL BHAGAT @ SUNIL KR. SINGH S/o Binda Bhagat @ Binda Singh R/o village- Machhagar Jagdish Tola Bada Koirauli, P.S.- Hathua, District- Gopalganj
 2. Binda Baghat @ Binda Singh S/o Suraj Bali Bhagat @ Late Suryabali Singh R/o village- Machhagar Jagdish Tola Bada Koirauli, P.S.- Hathua, District- Gopalganj
 3. Raj Bhagat @ Raj Singh S/o Binda Bhagat @ Binda Singh R/o village- Machhagar Jagdish Tola Bada Koirauli, P.S.- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Rakesh, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail on behalf of the petitioner no.1, who is the husband of the deceased.

Permission is granted.



The instant anticipatory bail application stands dismissed as withdrawn with regard to petitioner no.1.

Now this application is being heard for consideration of anticipatory bail on behalf of the petitioner nos.2 and 3.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302, 304B, 315, 386, 342, 420 of the Indian Penal Code.

The allegation against the petitioners is that they have killed the daughter of the informant, whose dead body was found in a well with marks on neck, due to non-fulfillment of demand of dowry.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Petitioner no.2 is the father-in-law of the deceased and petitioner no.3 is the brother-in-law of the deceased. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is a delay of 17 days in lodging the F.I.R. and no plausible explanation has been given in this regard. It is further submitted that there is no eye-witness to the alleged occurrence and only on suspicion they have been made accused



in this case. Petitioners have no criminal antecedent.

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

Having regard to the facts and circumstances of the case, since there is no specific allegation against the petitioner nos.2 and 3, let them 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 Trial No.2875 of 2021 (Complaint Case No.2508 of 2017), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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