

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35225 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- ALIPUR District- Gaya

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1. Shanti Devi Wife Of Lae Raj Mohan Vishwakarma R/O Village- Salempur, P.S.- Alipur, District- Gaya.
 2. Uttam Kumar @ Kundan Kumar Son Of Raj Mohan Vishwakarma R/O Village- Salempur, P.S.- Alipur, District- Gaya.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. C. Jawahar, APP
For the Informant	:	Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-03-2022 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the Office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 302/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons including the petitioners assaulted the deceased due to which he died.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners



have falsely been implicated in the present case. The informant is not eye witness to the alleged occurrence. From the order of the Sessions Court, it is evident that the deceased is alleged to have committed suicide. The petitioner no. 1 is a lady. The Sessions Court has referred to paragraph 42 of the Case Diary where the investigating officer had come to a conclusion that it is a case for an offence under Section 306 IPC and not under Section 302 IPC.

On behalf of the State and the informant, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Gaya in connection with Alipur P.S. Case No. 71/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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