

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31185 of 2021**

Arising Out of PS. Case No.-338 Year-2018 Thana- DHAKA District- East Champaran

1. Munna Bhagat S/o Deo Narayan Bhagat Resident of Village- Naya Tola Dhaka, P.S.- Dhaka, District- East Champaran.
2. Akhtar Mian Son of Sobrati Mian Resident of Village- Naya Tola Dhaka, P.S.- Dhaka, District- East Champaran.
3. Juman Khatoon @ Juman Khatoon Wife of Late Firoj Mian Resident of Village- Naya Tola Dhaka, P.S.- Dhaka, District- East Champaran.
4. Abdul Kayam @ Abdul Kalam Son of Late Abdul Rahman Resident of Village- Naya Tola Dhaka, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 20-01-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

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

The petitioners apprehend their arrest in Dhaka P.S. Case No.338 of 2018, registered for the offences punishable under Sections 147, 149, 323, 504, 283, 427, 435, 353, 290 and



291 of the Indian Penal Code.

The petitioners are said to have kept the dead body of the deceased, Shobha Devi near Referral Hospital, Dhaka on Dhaka-Chiraiya main road and they have blocked the road and nuisance was being created there by them. It is also alleged that when the police personnel tried to pacify the matter, members of the mob including the petitioners attacked on the police personnel and raised slogans against them.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. According to the FIR, Shobha Devi was killed due to non-fulfillment of demand of dowry. It is further submitted that the petitioners were not present at the place of occurrence. It is further submitted that other co-accused persons have already been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No.16599 of 2019, dated 15.03.2019. It is also submitted that the petitioners have got no criminal antecedent as stated in para 3 of the bail application.

Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

Taking into consideration the fact that similarly situated co-accused persons have already been granted



anticipatory bail, let petitioners, above named, in the event of their arrest or surrender before the learned court below within six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikarahna in Dhaka, East Champaran in connection with Dhaka P.S. Case No.338 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

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