

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15750 of 2023**

Arising Out of PS. Case No.-103 Year-2019 Thana- BANKA District- Banka

1. WAKIL DAS @ VAKIL DAS @ VAKIL KUMAR DAS Son of Phuhi Das R/V- Kalayanpur Post- Dudhari, Panchayat- Bahera, P.S- Banka, Dist- Banka
2. Sanju Kumari @ Sanju Devi Wife of Wakil Das @ Wakil Das R/V- Kalayanpur Post- Dudhari, Panchayat- Bahera, P.S- Banka, Dist- Banka
3. Shakuntala Devi Wife of Kapildev Das R/V- Kalayanpur Post- Dudhari, Panchayat- Bahera, P.S- Banka, Dist- Banka
4. Prema Devi D/o Phuhi Das R/V- Kalayanpur Post- Dudhari, Panchayat- Bahera, P.S- Banka, Dist- Banka
5. Sarsatiya Devi @ Sarbatiya Devi Wife of Phuhi Das R/V- Kalayanpur Post- Dudhari, Panchayat- Bahera, P.S- Banka, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Banka P.S. Case No. 103 of 2019 for the offence registered under Sections 328 and 302/34 of the Indian Penal Code lodged on 20.12.2019 by the informant, Rishu Das.

As per the First Information Report, the daughter of



the informant got married with one Jiram Das 15 Years ago on 19.2.2019. At about 8 o'clock in the night the daughter of the informant informed him that her '*devar*' Wakil Das is arising to vacate the house rather which he had earlier too had done. On 20.10.2019 at about 11 O' clock Wakil Das informed him that his daughter has died and requested him to come to the house. Upon getting such information, when the informant came along with his brother Kripali Das and some other villagers went there, saw the dead body of his daughter lying at the door of his house and except his son- in-law, no family members were present in the house. All five F.I.R. named accused person (petitioners herein) have killed his daughter by giving her poison and lastly it has claimed by the informant due to some land dispute this occurrence said to be happened.

Accordingly, the FIR.

Considering the kind of allegation that has come against the petitioner no. 1, Wakil Das @ Wakil Das @ Wakil Kumar Das, this Court is not inclined to grant him privilege of bail. Accordingly, the application against the petitioner no. 1 is rejected.

So far as petitioner nos. 2 to 5, namely, Sanju Kumari @ Sanju Devi, Shakuntala Devi, Prema Devi and Sarsatiya Devi



@ Sarbatiya Devi are concerned, they being the lady and do not have criminal antecedent, this Court is inclined to grant them privilege of bail.

Let the petitioner nos. 2 to 5, namely, Sanju Kumari @ Sanju Devi, Shakuntala Devi, Prema Devi and Sarsatiya Devi @ Sarbatiya Devi, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 103 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

However, if the petitioner no. 1, Wakil Das @ Wakil Das @ Wakil Kumar Das surrenders within a period of four weeks from today, the Court concerned shall take up the matter and dispose of the same without being prejudiced by any of the observation made therein preferably on the same day.

(Rajiv Roy, J)

Jagdish/ Neha -

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