

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35433 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- GOPALPUR District- Gopalganj

1. Vidya Gond @ Vidyanand Gond @ Vidyanand Sah, aged about 60 years, Sex-Male, Son of Late Ghughali Sah, Resident of Village - Gulaura, Police Station - Gopalpur, District - Gopalganj (Bihar).
2. Rajmati Devi, aged about 50 years, Sex-Female, Wife of Vidya Gond @ Vidyanand Gond @ Vidyanand Sah, Resident of Village-Gulaura, Police Station - Gopalpur, District - Gopalganj (Bihar).
3. Nandani Devi, aged about 40 years, Sex-Female, Wife of Nandlal Gond, Resident of Village- Gulaura, Police Station- Gopalpur, District – Gopalganj, (Bihar).
4. Bunela Gond @ Bunena Gond @ Jai Prakash Gond @ Jay Prakash Sah, aged about 20 years, Sex-Male, Son of Vidya Gond @ Vidyanand Gond @ Vidyanand Sah, Resident of Village-Gulaura, Police Station-Gopalpur, District - Gopalganj (Bihar).

... .. Petitioners

Versus

1. The State of Bihar.
2. Baharan Gond, S/O Late Vikram Gond, Resident of Village-Fagu Chhapar, P.S. Tariya, Sujan, District-Kushinagar (U.P.)

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Rajesh Roy, Advocate
For the O.P. No. 2	:	Mr. Shashi Kumar Sharma, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 28-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. A Vakalatnama has been filed on behalf of the



opposite party no. 2. Let it be kept on the record.

3. Heard learned counsel for the petitioners, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

4. The petitioners are apprehending their arrest in connection with Gopalpur P.S. Case No. 98 of 2022 corresponding to PTN No. 1245 of 2022 dated 14.04.2022 registered for the offences punishable under Sections 498(A) and 302/34 of the I.P.C.

5. As per the prosecution case, the petitioners and other co-accused persons are alleged to have tortured and assaulted the informant's daughter and thereafter they have committed her murder.

6. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioners have not tortured the informant's daughter. It is further submitted that the petitioner no. 1 is the father-in-law, the petitioner no. 2 is the mother-in-law, the petitioner no. 3 is the sister-in-law (Gotani) and the petitioner no. 4 is the brother-in-law (Dewar) of the deceased. The husband of the deceased is in custody as stated in paragraph no. 8 of the bail petition. There is general and omnibus



allegation against the petitioners. It is further submitted that the informant has filed a petition before the learned District and Sessions Judge, Gopalganj, stating therein that the petitioners were not present in their house on the alleged date and time of occurrence annexed as Annexure-4 to the bail petition. The petitioners have no concern with the alleged offence. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

7. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioners.

8. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Gopalganj in connection with Gopalpur P.S. Case No. 98 of 2022, corresponding to PTN No. 1245 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



9. The application stands allowed.

(Chandra Prakash Singh, J)

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