

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57917 of 2022

Arising Out of PS. Case No.-137 Year-2021 Thana- DIDARGANJ District- Patna

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1. KAMLESH RAI @ KAMLESH KUMAR SHARMA S/O LATE RAJESHWAR MAHARAJ RESIDENT OF VILLAGE- MIRJAPUR, P.O.- RUKUNPUR, P.S.- DIDARGANJ, DISTRICT- PATNA
 2. SUNITA DEVI W/O KAMLESH RAI @ KAMLESH KUMAR SHARMA RESIDENT OF VILLAGE- MIRJAPUR, P.O.- RUKUNPUR, P.S.- DIDARGANJ, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar,Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Didarganj P.S. Case No. 137 of 2021 for the offence registered under Sections 306, 201 and 34 of the Indian Penal Code.

The informant is the '*mama*' of the deceased who committed suicide fed up with the attitude of his father and step-mother who are petitioners before this Court.

Learned counsel for the petitioners submit that the boy was just three years old when his father just keeping the child in his mind and to take care of him remarried and took



utmost care. However, unfortunately due to some oblique reason, he committed suicide and his 'mama', brother-in-law of the petitioner no. 1 infuriated by the said suicide, implicated the two petitioners.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the fact that they are unfortunate father and step-mother, a criminal case has been lodged and ultimately they will have to face the trial, this Court is inclined to extend them privilege of anticipatory bail with conditions.

Let the petitioners 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 A.C.J.M.,IV, Patna City in connection with Didarganj P.S. Case No. 137 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bonds.

(v) the petitioners shall co-operate in the investigation and made themselves available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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