

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32080 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- ANGARH District- Purnia

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1. Goutam Das @ Gautam Das Son Of Asaru Pd.Das Resident Of Ward No.-23 Ruidhasa, Police Station And District- Kishanganj
 2. Madhwi Das Wife Of Goutam Das @ Gautam Das Resident Of Ward No.-23 Ruidhasa, Police Station And District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Hussain, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Angarh P.S. Case No. 05 of 2024, registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that the Petitioners along with other Accused Persons tortured and ultimately killed the deceased due to non-fulfillment of the demand of dowry.

4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this



case. He further submits that Madhwi Das is the married sister-in-law of the deceased living separately elsewhere at Chakulia in the district of Uttar Dinajpur (West Bengal) where her husband-Petitioner, Gautam Das is a school teacher. Hence, the present Petitioners are falsely implicated. Moreover, there is no specific allegation against the Petitioners except the name given in the FIR. In the content of the written report no specific role has been attributed to these Petitioners.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedents.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of Ld. Chief Judicial Magistrate, Purnea, in connection with Angarh P.S. Case No. 05 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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