

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68191 of 2024

Arising Out of PS. Case No.-11 Year-2019 Thana- ROSERA District- Samastipur

1. Deep Lal @ Deep Lal Das @ Dip Lal Das Son of Late Sainee Das @ Seni Das @ Saini Das Resident of Village- Bhirha, P.S.- Rosera, District- Samastipur
2. Pawan Das Son of Sagar Das Resident of Village- Bhirha, P.S.- Rosera, District- Samastipur
3. Bhavendra Das Son of Sagar Das Resident of Village- Bhirha, P.S.- Rosera, District- Samastipur
4. Sipu Das @ Shivilal Das Son of Late Sainee Das @ Seni Das @ Saini Das Resident of Village- Bhirha, P.S.- Rosera, District- Samastipur
5. Rajesh Das Son of Sipu Das @ Shivilal Das Resident of Village- Bhirha, P.S.- Rosera, District- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Aatur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Pramod Kumar Singh, the learned counsel for the petitioners and Mr. Md. Aatur Rahman, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rosera PS Case No. 11 of 2019, FIR dated 11.01.2019, registered for the offences punishable under Sections 341, 323, 306, 354 and 504 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the daughter of



informant was found dead on her bed and there was a sign of hanging around her neck.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that the police after investigation has submitted the final form in favour of the petitioners, but the learned trial Court differing from the police report has taken cognizance against these petitioners *vide* order dated 16.12.2023 under Sections 341, 323, 306, 354, 504 and 34 of the Indian Penal Code. He lastly submits that nothing has come during investigation which suggests the involvement of the petitioners in the present occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, police after investigation has submitted the final form in favour of the petitioners and the learned trial Court has taken



cognizance against these petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Rosera, Samastipur, where the case is pending in connection with **Rosera PS Case No. 11 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and



in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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