

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76121 of 2024

Arising Out of PS. Case No.-491 Year-2022 Thana- AMARPUR District- Banka

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1. Ashok Kumar Das @ Ashok Das Son of Indradev Das
 2. Sajjan Das Son of Bacheho Das
 3. Pramod Das Son of Sushil Das
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2025 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sessions Trial No. 243 of 2023 arising out of Amarpur P.S. Case No. 491 of 2022, F.I.R. dated 05.09.2022 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

3. The F.I.R. of the occurrence of murder is against unknown.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the



petitioners have been transpired during investigation on the basis confessional statement of co-accused person, namely, Kailash Das who is happens to be husband of the deceased and brother of the petitioners, and except the aforesaid no other cogent material has come during investigation to suggests the involvement of the petitioners in the present occurrence and there is no eyewitness of the present occurrence.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Sessions Trial No. 243 of 2023 arising out of Amarpur P.S. Case No. 491 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(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 their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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