

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25177 of 2015

Arising Out of PS.Case No. -77 Year- 2015 Thana -MAKHDUMPUR District- JEHANABAD

1. Karpuri Thakur S/o Late Jay Kishun Thakur
2. Gori Devi W/o Karpuri Thakur Both Resident of Village Supi, P.S.
Makhdumpur, District Jehanabad.

.... Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioners : Mr. Rama Kant Sharma, Senior Advocate
For the Opposite Party : Mr. Sanjay Kr.Pandey, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 08-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Karpuri Thakur and Gori Devi, in connection with Makhdumpur (Tehta) Police Station Case No. 77 of 2015 under Sections 304B/201 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 06.05.2015, passed, in A.B.P. No. 414 of 2015, by the learned Sessions Judge, Jehanabad, dismissing the said application for pre-arrest bail.

Heard Mr. Rama Kant Sharma, learned Senior Counsel for the petitioners, and Mr. Sanjay Kumar Pandey, learned Additional Public Prosecutor, appearing on behalf of the State.

The petitioners are parents-in-law of deceased Fekni Devi, who was married to accused Ranjit Thakur, son of the present petitioners, their marriage having, admittedly, been solemnized 10 (ten) years before the death of Fekni Devi. It has also been brought on record that Fekni Devi died, because of illness. It is, however, alleged that during her life time, Fekni Devi as subjected to cruelty by her husband and his relatives.

Considering the fact that the no case, at this stage, is made out either under Section 304B or Section 304 of the Indian Penal Code, this Court is of the view that in the facts and attending circumstances of the present case, there is nothing warranting custodial interrogation of the petitioners.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioners above-named shall, in the event of their arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Makhdumpur (Tehta) Police Station, Jehanabad. This direction for bail is further subject to the condition that the petitioners above-named shall, within two weeks from today, appear before the Officer-in-Charge, Makhdumpur (Tehta) Police Station, Jehanabad, and make themselves available

for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Makhdumpur (Tehta) Police Station, Jehanabad.

Send also a copy of this order, forthwith, to the Superintendent of Police, Jehanabad, by fax.

(I. A. Ansari, J)

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