

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46106 of 2014

Arising Out of PS.Case -236 Year- 2011 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Badri Sah @ Badri Singh
2. Manorama Sah, Son of Badri Sah
3. Manoj Sah, Son of Badri Sah
4. Kalwati Devi wife of Badri Sah
5. Soniya Devi wife of Badri Sah
6. Lali Devi wife of Manorama Sah
7. Gopal Sah son of Badri Sah
- All residents of Village Ratichak, Ps Kudra, District Kaimur at Bhabhua
..... Petitioner/s

Versus

1. State of Bihar
2. Gopal Sah, son of Late Antu Sah, resident of village Sitapur, PS
Dhansoi, District Buxar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh
For the Opposite Party/s : Mr. Kalyan Shankar. APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 02-07-2015 This application under Section 438 CrPC is filed with a prayer for grant of anticipatory bail to the petitioners. The petitioners figured as accused in connection with Kudra PS case no. 236 of 2011 wherein offences punishable under Section 498A, 304B, 120B ,323 334, 406, 420, and 201 of the India Penal Code read with Section 3/4 of the Dowry Prohibition Act.

Apprehending their arrest, the petitioners filed ABP Nos. 21A of 2014/443 of 2014 before the learned Sessions Judge Kaimur at Bhabhua. The same was rejected through order dated 26-08-2014. Hence, this application.

Heard learned counsel for the petitioners and the

learned Additional Public Prosecutor.

Normally, this court would not grant anticipatory bail in cases where offences punishable under Section 304 are alleged. This case, however, presents certain difficult features. The case was registered on the basis of complaint by the police. Certainly the marriage is said to have been taken place in 2003. Even according to the complaint, the marriage between the daughter of the complainant and the accused-petitioner no. 7, took place in the year 2003 and the wife of the petitioner died in 2005. Two years thereafter, a complaint was filed and ultimately the FIR was registered in 2011. In view of these facts, this court is of the view that the arrest of the petitioners is not necessary. However, they shall be under obligation to appear before the concerned Police station as and when their presence is needed for the sake of investigation.

With the above observations, this application is allowed. It is directed that in the event of arrest, the petitioners shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties each of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Kudra PS case no. 236 of 2011, subject to the conditions as laid down under Section 438(2) CrPC.

(L. Narasimha Reddy,CJ)

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