

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13232 of 2015

Arising Out of PS.Case No. -29 Year- 2014 Thana -TARAIYA District- SARAN

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1. Tetari Devi W/o Late Durga Das
 2. Jharokha Devi W/o Late Durga Das
 3. Deopujan Das S/o Late Durga Das
 4. Mithilesh Das S/o Late Durga Das
 5. Tuntun Das S/o Late Durga Das All Resident of Village Sarsaiya Tatnakar Buchipar, P.S. Taraiya, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Basant Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh-1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 22-07-2015 Heard the learned counsels for the petitioners and the State.

The present application was heard on 31.03.2015 and the prayer was allowed, but before the order could be pronounced, the file got misplaced and the same could not be located for a considerable period of time and, subsequently, reconstruction of the records was ordered. The matter was listed on 21.07.2015 as under heading "For Admission" with reconstructed as well as the original records, but without any explanation as to how the records were misplaced and when the same has been located. This court vide order dated 21.07.2015,

directed the learned Registrar General to conduct an enquiry.

The petitioners being the mother and brothers of the husband of the victim are apprehending their arrest in a case registered for the offences punishable under sections 304B/34 of the IPC.

Accusation is of killing the daughter of the informant after two years of marriage for non-fulfillment of dowry demand.

It is submitted by the learned counsel for the petitioners that the petitioners are living separately from the husband of the victim. The victim died due to accidental burn injuries while cooking. The informant has retracted from the initial accusation, a petition to that effect has been filed before the learned court below. (The said petition has been brought on record vide annexure-2).

Considering that the thrust of accusation against the husband of the victim, who is in custody and the retracted version of the informant, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with

Taraiya P.S. Case No.29 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned court below on filing of the affidavit to the effect that they will co-operate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioners.

Let the unsigned/unpronounced order dated 31.03.2015 be left on record but the same will be neither uploaded on the net nor certified copy of the same will be issued.

Ashwini/-

(Dinesh Kumar Singh, J)

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