

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15661 of 2015

Arising Out of Tariyani PS.Case No. -232 Year- 2014 Thana -TARIYANI
CHOWK District- SHEOHAR

- =====
1. Surendra Rai son of Late Ram Chandra Rai
 2. Manoj Rai @ Manoj kumar son of Surendra Rai
 3. Gyatri Devi Wife of surendra Rai
 4. Punita Devi wife of Sakaldeo Rai All residents of Village- Rajdih, P.s- Tariyani, District- Sheohar,.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. Amit Kr.Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 10-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Surendra Rai, Manoj Rai @ Manoj Kumar, Gyatri Devi and Punita Devi, in connection with Tariyani Police Station Case No. 232 of 2014 under Section 304(B), 494, 201 and 120(B)/34 of the Indian Penal Code.

Perused the above application, materials available in the case diary and materials on record including a copy of the order, dated 17.03.2015, passed, in A.B.P. No.59 of 2015, by the learned Sessions Judge, Sheohar, dismissing the said application for pre-arrest bail.

Heard Mr. Satyendra Narayan Singh, learned counsel for the petitioners, and Mr. Amit Kumar Rakesh, learned Additional Public Prosecutor, appearing on behalf of the State.

Though it is submitted that the informant has already filed an application before the police saying that she had been misinformed that her daughter, Indu Kumari, had been burnt to death inasmuch as she died of illness, the fact remains, however, that the First Information Report, which has been lodged in the present case, embodies sufficient accusations to bring the case within the fold of Section 304B of the Indian Penal Code.

In the above view of the matter, while the prayer for pre-arrest bail made by the petitioners may not be rejected, it is made clear that investigation, in the case aforementioned, is, indeed, warranted to uncover the truth in order to determine if the accusations, made against the petitioners as regards the demand for dowry, are true or not.

In view of what has been observed above, while, it is, in the interest of justice, 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 of the like amount, subject to the satisfaction of the Officer-in-Charge, Tariyani Police Station, Sheohar.

It is hereby made clear that the investigation in the case
aforementioned shall be carried out in accordance with law.

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, Tariyani Police
Station, 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, Tariyani Police Station, District Sheohar.

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

(I. A. Ansari, J)

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