

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2757 of 2015

Arising Out of PS.Case No. -130 Year- 2014 Thana -KAKO District- JEHANABAD

- =====
1. Laldeo Paswan Son of Late Rameshwar Paswan
 2. Kamla Devi Wife of Laldeo Paswan
 3. Deepak Paswan Son of Laldeo Paswan
 4. Kanchan Devi Wife of Rinku Paswan
- All resident of Village - Nadiyawan, Police Station - Kako, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Alamdar Hussain, Adv.

For the Opposite Party/s : Mr. R.N. Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-05-2015 Heard learned counsel for the parties as with regard to the prayer for anticipatory bail in connection with an offence under Section 304(B)/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that not only the four petitioners, 1 to 4, are father-in-law, mother-in-law, brother-in-law and sister-in-law but, there are materials in the case diary to show that the deceased was living separately with her husband, the son of the petitioner nos. 1 & 2, separately and that the deceased had actually committed suicide.

The fact that the husband was living separately has also come in the case diary and, therefore, the suicide or no suicide,



petitioners' involvement right now cannot be now brought into the arena of main accused. Considering the aspect that the petitioners have also got no criminal antecedent, this Court would direct that if the petitioners namely, Laldeo Paswan, Kamla Devi, Deepak Paswan, Kanchan Devi would surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Jehanabad in connection with Kako P.S. Case No. 130 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will

inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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