

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10355 of 2015

Arising Out of PS.Case No. -170 Year- 2013 Thana -MAHNAR District- VAISHALI(HAJIPUR)

1. Sonu Kumar Son of Ram Ishwar Rai resident of Village Tanda Chouri
P.S. Mahnar, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.11047 of 2015

Arising Out of PS.Case No. -170 Year- 2013 Thana -MAHNAR District- VAISHALI(HAJIPUR)

1. Rajeev Rai @ Rajeev Kumar son of Satrudhan Rai, resident of village Manipura, P.s.- Jandaha, District- Vaishali.
2. Sunder Devi, wife of Auit Rai, Resident of village Tanda Chauri, P.s.- Mahnar, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.10355 of 2015)

For the Petitioner/s : Mr. Smt. Anuradha Singh

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

(In Cr.Misc. No.11047 of 2015)

For the Petitioner/s : Mr. Smt. Anuradha Singh

For the Opposite Party/s : Mr. Nand Kishor Pd.(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 28-05-2015 Both the applications arise out of the same police case i.e. Mahnar P.S. Case No. 170 of 2013, and as such, they have been heard together and are being disposed of by the common order.

Petitioner of Cr. Misc. No. 10355 of 2015 is brother-in-law of the deceased whereas in Cr. Misc. No. 11047 of 2015,

the petitioner no. 1 is the brother-in-law of the wife of the deceased and petitioner no. 2 is the wife of the deceased.

The allegation is that the brother of the informant was married with Sheela Devi @ Sunder Devi only few years ago. His wife did not reside with him. The deceased went to the sasural for taking his wife where he was done to death by the family members and his wife. Accordingly, the case was registered under Section 302 of Indian Penal Code. From the F.I.R., it appears that the wife of the deceased had illicit relationship with her brother-in-law namely Rajiv Roy @ Rajiv Kumar which had caused frustration to the deceased. Learned counsel submits that the case was investigated and the same was found true under Section 306 IPC. The other family members such as, mother-in-law and wife of the brother-in-law of the deceased have since been released on anticipatory bail.

Learned APP opposed the prayer for anticipatory bail and submitted that the deceased was done to death under a suspicious circumstance while he was at Sasural.

Considering the motive which has been attached by the informant for commission of the offence, in my view, the petitioners of Cr. Misc. No. 11047 of 2015 do not deserve anticipatory bail. Their prayer is rejected.

In so far as petitioner of Cr. Misc. No. 10355 of 2015 is concerned, he being the brother-in-law presumably has no role to play considering the motive alleged. He is directed to be released on bail in the event of arrest or surrender in the Court below within four weeks, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Vaishali at Hajipur in Mahnar P.S. Case No. 170 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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