

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30481 of 2015

Arising Out of PS.Case No. -33 Year- 2015 Thana -KURSAKANTA District- ARRARIA

1. Subodh Paswan, Son of Late Kamru @ Kamalu Paswan,
2. Vilasiya Devi @ Akli Devi, Wife of Late Kamru @ Kamalu Paswan,
3. Bika Devi, Wife of Binod Paswan,
All are resident of village - Khasoul, Police Station - Kursakanta, District-
Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioners : Mr. Arun, Advocate
For the Opposite Party : Mr. Zainul Abedin (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 16-10-2015 Heard learned counsel for the petitioners and the
learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in
connection with Kursakanta P.S. Case No.33 of 2015 for
allegedly having committed the offences under Sections
304B/34 of the Indian Penal Code.

Case diary in the present case was earlier called for,
which has since been received.

Learned counsel for the petitioners submits that the
present case has been lodged only with a view to harass the in-
laws family and there is no iota of proof in the entire
prosecution story. It is further submitted that Petitioner Nos.2

and 3 are ladies and shall be prejudiced if they are put behind bars. Moreover, there is no specific allegation against them.

So far as Petitioner No.1 Subodh Paswan is concerned, learned counsel submits that he is *Bhaisur* of the deceased lady, whose husband had gone to Punjab and was not present on the date of occurrence, hence her husband has not been made an accused in connection with the present case.

Considering the entire facts and circumstances and that no specific role has been assigned to Petitioner No.2, namely, Vilasiya Devi @ Akli Devi and Petitioner No.3 Bika Devi, let Petitioner Nos.2 and 3, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri A.V.D. Dubey, learned Judicial Magistrate, 1st Class, Araria, in connection with Kursakanta P.S. Case No.33 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as Petitioner No.1 Subodh Paswan is concerned, it has come in the case diary that he was allegedly

having illicit affairs with the wives of his two brothers and hence, it was he who had specific role to play.

Under such circumstance and in the wake of the fact that there is material against him in the case diary, I am not inclined to grant anticipatory bail to Petitioner No.1 Subodh Paswan. It is, accordingly, rejected. However, if he surrenders in connection with the present case in the court below within a period of four weeks from the date of receipt/production of a copy of this order and prays for regular bail, his case may be considered on its own merit without being prejudiced by this order.

(Anjana Mishra, J)

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