

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41153 of 2014

Arising Out of PS.Case No. -110 Year- 2014 Thana -PIRPAINTI District- BHAGALPUR

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1. Kamleshwari Yadav , son of Late Kishun Yadav
 2. Samundari Devi, w/o Kamleshwari Yadav
 3. Vijay Yadav, son of Kamleshwari Yadav
 4. Rajesh Yadav, son of Kamleshwari Yadav All are the resident of village - Faujdari, P.S. Pirpainty, Distt. - Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

6 19-08-2015

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek anticipatory bail in connection with Pirpainty P.S. Case No. 110 of 2014 registered under Sections 302 read with 34 and 201 of the Indian Penal Code.

It is contended that there is a general and omnibus allegation against the petitioners and one Bindeshwari Yadav that they forcibly took away husband of the informant on the pretext of getting him medically examined but thereafter, he did

not return. However, the co-accused Bindeshwari Yadav having identical allegation has been granted bail under Section 439 of the Code of Criminal Procedure by a Bench of this Court vide order dated 26.02.2015 passed in Cr. Misc. No. 4864 of 2015.

It is further contended that the husband of the informant was mentally retarded and there is no truth behind the allegation that these petitioners took him away and killed him. Moreover, petitioner no. 2 Samundri Devi is a pardanashin lady and the allegation as against her that she took away the victim is baseless.

On the other hand, learned counsel for the State has vehemently opposed the prayer made on behalf of the petitioners. He submits that in course of investigation independent witnesses in para 6, 7, 8 and 9 have supported the allegation that the victim was taken away by the petitioners and, since then, he is traceless.

Regard being had to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner nos. 1, 3 & 4, namely, Kamleshwari Yadav, Vijay Yadav and Rajesh Yadav respectively. Accordingly, their prayer for grant of anticipatory bail is rejected.

So far as petitioner no. 2, Samundari Devi is

concerned, in the event of her arrest or surrender in the court below within a period of four weeks from today, she is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Pirpainty P.S. Case No. 110 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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