

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41981 of 2014

Arising Out of PS.Case No. -122 Year- 2013 Thana -MARAUNA District- SUPAUL

1. Mahadev Nayak S/o Bilat Nayak R/o Village- Belahi, P.S.- Marauna, District- Supaul.
2. Amlesh Nayak @ Amlesh Kr. Nayak S/o Ram Nayak R/o Village- Belahi, P.S.- Marauna, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Amitesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 21-04-2015 Heard Mr. Pandey for the petitioners and learned APP
for the State.

The two petitioners herein are distant agnates of the husband of the deceased. Apprehending their arrest in Marauna P.S. Case No. 122 of 2013 registered u/ss 302 and 120-B/34 IPC they have filed the present anticipatory bail application.

The brother of the deceased lodged the Fardbayan alleging that his sister was married to Santosh Nayak about 08 years ago. Her husband and father-in-law were demanding dowry and on account of non fulfilment thereof she was done to death by cutting her neck in the matrimonial house in which he suspected the hands of the agnates of her husband including the petitioners.



Learned counsel for the petitioners has drawn attention of the Court to the statements recorded in paragraph nos. 22,23 & 24 of the case diary wherefrom it appears that the eye-witnesses to the occurrence have deposed that the father-in-law of the deceased with the help of another accused assaulted the victim on her neck which caused instantaneous death of the victim. It has been submitted that the petitioners are at least three stages above separate from the family of Khakhan Nayak. They are in fact neighbours. Having appreciated the materials collected in course of investigation the I.O. did not send them up. The court, however, differed with the Challan and took cognizance. Hence the apprehension.

Learned APP on going through the case diary has not disputed the said submissions of Mr. Pandey with reference to paragraph nos. 22, 23 and 24 of the case diary.

Taking into account the aforesaid facts as also the fact that they were not sent up by the I.O., in my view, the petitioners herein deserve the privilege of anticipatory bail. In the event of arrest/surrender within four weeks from today, petitioners above named shall be released on bail on furnishing bail bonds of Rs. 10,000/- each, with two sureties of the like amount each to the satisfaction of Arresting Officer and/or the ACJM, Supaul in

Marauna P.S. Case No. 122 of 2013 (G.R. No. 1800 of 2013) on condition that one of the bailors of each of he petitioners shall be their close/own family members. In the event of framing of charge they shall appear on each date fixed at the trial. Failure in appearance on two consecutive dates shall lead to cancellation of their bail bonds.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--