

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26919 of 2014

Arising Out of PS.Case No. -41 Year- 2008 Thana -PANDARAK District- PATNA

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1. Shanti Devi wife of Late Ganesh Sao
2. Mahesh Sao Son of Late Gariwan Sao
3. Sima Devi daughter of Late Ganesh Sao, wife of Mahesh Sao All
residents of village -Kondi, Police Station Pandarak, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap

For the Opposite Party/s : Mr. Iftekar Mahmood, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

7 23-07-2015

This application under Section 438 CrPC is filed with a prayer to grant anticipatory bail to the petitioners apprehending their arrest in connection with Pandarak PS case No.41/2008 for the alleged offence punishable under Section 304B/34 of the Indian Penal Code, pending in the court of learned ACJM, Barh, Patna.

The petitioners approached the court of learned Sessions Judge by filing ABP No. 4765 of 2013 and the same has been rejected through order dated 1.4.2014. Hence this application.

Heard learned counsel for the petitioners and the learned A.P.P.

The petitioners figured as accused in Pandarak PS Case No. 41/2008, wherein offences punishable under Section 304B IPC read with Section 34 IPC were alleged. This Court was surprised to note that the Police filed a final report only against the

husband and thereby discharging the other accused. The Chief Judicial Magistrate, Patna acted promptly and took cognizance against all the accused. This Court summoned the Investigating Officer. He has tendered his apology for the lopsided investigation conducted by him.

As the allegation against the petitioners is referable to Section 304B IPC, this Court is not inclined to grant anticipatory bail to the petitioners. This application is accordingly rejected.

However, it is directed that in case the petitioners appear before the concerned court within two weeks from today and file application praying for regular bail, the same shall be considered immediately and appropriate orders shall be passed therein.

(L. Narasimha Reddy,CJ)

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