

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40419 of 2014

Arising Out of PS.Case No. -402 Year- 2013 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Rajeshwar Bhagat Son of Late Harihar Bhagat
2. Subhay Bhagat @ Subhay Kumar Son of Rajeshwar Bhagat
Both Resident of Village - Daud Nagar, P.S. - Bidupur, District - Vaishali.
.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.39279 of 2014

Arising Out of PS.Case No. -402 Year- 2013 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Guriya Devi wife of Vinay Kumar.
2. Vinay Kumar, Son of Rajeshwar Bhagat
Both Resident of Village - Daud Nagar, P.S. - Bidupur, District - Vaishali.
.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.36369 of 2014

Arising Out of PS.Case No. -402 Year- 2013 Thana -BIDUPUR District- VAISHALI (HAJIPUR)

1. Punam Devi Wife of Arvind Das
2. Arvind Das Son of Gonar Das
Resident of Village - Mahaji, P.S. - Bakhtiyarpur, District - Muzaffarpur
.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In all the applications)

For the Petitioner/s : Mr. Nachiketa Jha, Advocate.

For the Opposite Party/s : Mr. Ram Chandra Singh(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-02-2015

Heard learned counsel for the parties.

Having regard to the nature of allegations against the
petitioners for offence under Sections 304B/120B/201 of the Indian

Penal Code, while this Court would be inclined to grant anticipatory bail to the petitioners namely Guriya Devi the sister-in-law (Gotani) and her husband Vinay Kumar as also Punam Devi & Arbind Das who are married Nanad and her husband (Nandos) as well as Subhay Bhagat @ Subhay Kumar, unmarried Devar, but the same privilege cannot be given to Rajeshwar Bhagat, the father-in-law of the deceased.

That being so, the prayer for anticipatory bail of Rajeshwar Bhagat is hereby rejected and he is directed to surrender before the court below whereafter his prayer for bail would be considered in accordance with law.

The rest of the five petitioners, namely, Guriya Devi, Vinay Kumar, Punam Devi, Arbind Das and Subhay Bhagat @ Subhay Kumar, if they surrender within a period of four weeks from today, the court below shall grant bail to the petitioners on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hazipur in connection with Bidupur P.S.Case No. 402 of 2013, subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners, who will undertake affidavits giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.



- (ii) That the affidavits shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavits that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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