

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43267 of 2014

Arising Out of Raghunathpur PS.Case No. -79 of 2014 Thana -
RAGHUNATHPUR District- SIWAN

- =====
1. Bhim Ram Son of Dhanesh Ram
 2. Kaushaliya Devi Wife of Bhim Ram
 3. Dhanesh Ram S/o Late Filak Ram
 4. Kabutri Devi Wife of Dhanesh Ram All resident of village - Gavirar, P.S.
- Gaghunathpur, District - Siwan

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary

For the Opposite Party/s : Mr. Gajendra Prasad Yadav (APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 16-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Bhim Ram, Kaushaliya Devi, Dhanesh Ram and Kabutri Devi, in connection with Raghunathpur Police Station Case No. 79 of 2014 under Section 304(B)/201/34 of the Indian Penal Code.

Perused the above application, and materials on record including a copy of the order, dated 03.09.2014, passed, in A.B.P. No.1149 and 1619 of 2014, by the learned Sessions Judge, Siwan, dismissing the said application for pre-arrest bail.

Heard Mr. A.K.Tiwary, learned counsel for the

petitioners, and Mr. G.P.Yadav, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that the marriage of Anju Devi (since deceased) was admittedly solemnized on 21.05.2005 and she died on 29.05.2013, clearly, therefore, the provision of Section 304B Indian Penal Code was not attracted, though the cause of death is homicidal or abatement to commit suicide. Submission of learned counsel for the petitioners is that the husband of the deceased has already surrendered in this case and is in judicial custody.

In view of the fact that perusal of record does not reveal any such incriminating materials against the petitioners, which would warrant their custodial detention and interrogation, this Court is of the view that the petitioners have been able to make out a case calling for appropriate direction for pre-arrest bail.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioners above-named shall, in the event of their arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties of the like amount, subject to the satisfaction of the Officer-in-Charge, Raghunathpur Police Station, Siwan. This direction for bail is further subject to the condition that the petitioners above-named shall, within two weeks from today,

appear before the Officer-in-Charge, Raghunathpur Police Station, and make themselves available for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Raghunathpur Police Station, District Siwan.

Send also a copy of this order, forthwith, to the Superintendent of Police, Siwan, by fax.

(I. A. Ansari, J)

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