

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 19239 of 2015

Arising Out of PS.Case No. -218 Year- 2013 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Kunti Devi wife of Sipahi Rai,
2. Anita Kumar daughter of Sipahi Rai
3. Sipahi Rai Son of Tapeswar Rai
4. Gurudeo Rai Son of Tapeswar Rai,
5. Ashok Rai @ Ashok Yadav son of Sipahi Rai, All are resident of village-
Sobaiya Belghatti, P.S.- Kotwa, Dist- East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. D.P.Tiwary(App)
Mr. Rakesh Kumar-I

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 17-06-2015 Heard learned counsel for petitioners, learned Addl.
Public Prosecutor as well as Sri Rakesh Kumar – I, learned
counsel who has appeared on behalf of informant.

Five petitioners, apprehending their arrest in Kotwa
P.S. Case No. 218 of 2013 registered for the offence under
Sections 498(A) & other allied sections of the Indian Penal Code
and sections 3 & 4 of the Dowry Prohibition Act, 1961, have
prayed for grant of bail.

Learned counsel for petitioners submits that after
investigation, police had submitted final report and the police had
exonerated all the accused, however; the learned Magistrate,
differing with the police report, has passed order of cognizance.

He further submits that the informant was married to petitioner no. 5 after the death of elder brother of the petitioner no. 5, who died in a road accident.

Learned counsel for the informant accepts that in this case, police after investigation had submitted final report, but while opposing the prayer for bail, he submits that in the F.I.R. itself, there is specific accusation against all the petitioners.

Be that as it may, since during investigation, case was not found true and the learned Magistrate, after differing with the police report, had passed order of cognizance, it is a fit case for extending the privilege of anticipatory bail to all the petitioners.

Accordingly, let all the five petitioners, namely; Kunti Devi, Anita Kumari, Sipahi Rai, Gurudeo Rai & Ashok Rai @ Ashok Yadav be enlarged on bail in the event of their arrest or surrender before the court below within a period of one month from today on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Kotwa P.S. Case No. 218 of 2013, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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