

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37931 of 2015

Arising Out of PS.Case No. -193 Year- 2015 Thana -MARHAURA District- SARAN

- =====
1. Harendra Ram @ Narendra Ram Son of Late Ram Bachchan Ram
 2. Asha Devi Wife of Mr. Harendra Ram

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2015 Heard learned counsels for the petitioners and the State.

Petitioner no.1 being brother of the husband of the victim and petitioner no.2 being wife of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code.

Accusation is of killing the daughter of the informant by inflicting burnt injuries

It is submitted by learned counsel for the petitioners that marriage was performed in 2005 when the victim died due to accidental burnt injuries on 14.06.2015, the husband while rescuing the victim also received serious burnt injuries and the accusation is omnibus and general. The learned Sessions Judge in the impugned order has committed an error of record to the effect that the

petitioners have been declared as absconder as the case was registered on 14.06.2015 when the learned Sessions Judge disposed of the bail application on 28.07.2015. A statement to that effect has been made in paragraph 4 of the supplementary affidavit which reads as follows :-

"4. That it is stated here that the impugned order dated 28.07.2015 indicates that the petitioners are absconder is nothing but an error of record. The alleged F.I.R. was lodged on 14.06.2015 and the anticipatory bail was heard by the Addl. Sessions Judge-VI, saran on 25/07/2015 which clearly indicates that observation of the Addl. Sessions Judge- VI, Saran about the petitioners of being an absconder is an error of record.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saran at Chapra in connection with Marhowrah P.S. Case No.193 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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