

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7207 of 2014

Arising Out of PS.Case No. -82 Year- 2008 Thana -PHULIWARIA District- GOPALGANJ

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1. Kamakhya Tiwary Son Of Aagam Tiwary
2. Aagam Tiwary Son Of Late Kamal Tiwary
3. Geeta Devi Wife Of Aagam Tiwary
4. Hitesh Tiwary Son Of Aagam Tiwary
5. Kushum Devi Wife Of Hitesh Tiwary All R/O Village Madho Math, P.O.
And P.S.-Fulwaria, District-Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ananapurna Devi Wife Of Late Shesh Nath Tiwary R/O Village Madho
Math Vochakka, P.O-Kuchaikote, Ps. Kuchaikote, District Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti

For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

6 13-03-2015 Heard learned counsels for the petitioners and the State.

The petitioner no. 1 being husband of the victim,
petitioner nos. 2 and 3 being parents of petitioner no. 1 and
petitioner no. 4 being brother of petitioner no. 1 are apprehending
arrest in a case registered for the offences punishable under
Sections 304B and 120B/34 of the Indian Penal Code.

It is alleged by the informant being step mother of the
victim that the victim was married with petitioner no. 1 in 2006
when the petitioners and others killed the step daughter of the
informant on 1.6.2008.



It is submitted by the learned counsel for the petitioners that during investigation, it transpired that the victim was taken away by the step brother and thereafter she is traceless and in order to save her own skin, the informant, who is step mother of the victim, has lodged this case. It is further submitted that the victim's own sister eloped with one Prince Kumar when Kuchai Kote P.S. Case No. 185 of 2010 was registered where in her statement under section 164 Cr.P.C., she stated that her sister Priyanka Kumari (victim) was kidnapped by her step mother, Munna and Suraj and she has been kept at Delhi by the step mother. The said 164 Cr.P.C. statement has been brought on record as Annexure 2/A.

Learned APP, after going through the case diary, submits that some of the witnesses have suggested that the victim is residing at Delhi. The investigation still has not concluded.

Considering the fact that for the occurrence of 1.6.2008 the complaint was filed on 19.6.2008 which came to be registered as police case on 4.7.2008, the investigation does not suggest that victim is dead and the investigation has still not concluded, let the above named petitioners be released on anticipatory bail till the conclusion of investigation in the event of arrest or surrender before the learned Court below within a period of twelve weeks

from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Fulwaria P.S. Case No. 82 of 2008 subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is expected from the investigating agency to conclude the investigation expeditiously.

(Dinesh Kumar Singh, J)

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