

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26976 of 2015

Arising Out of PS.Case No. -16 Year- 2008 Thana -SONO District- JAMUI

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1. Jahri Devi Wife of Chaubey Yadav
2. Chaubey Yadav Son of Late Amrit Yadav
Both are resident of Gangti Bihanpur, P.S. Khaira, District – Jamui.
..... Petitioner/s

Versus

1. The State of Bihar.
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha
For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-07-2015 The petitioners are apprehending their arrest in connection with Sono P.S. Case No. 16 of 2008 for the offences instituted under Sections 302/420/467/468/34 and 120(B) of the Indian Penal Code.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that all the accused persons killed the husband of the informant six months ago and concealed his dead body. Thereafter, the accused persons kidnapped the informant and brought her to Registry Office, Chakai on 19.2.2007 and threatened to kill and got executed sale deed with respect to 4 room house, mango, kathal and mahua trees total area 63.3/ 4 decimals, as a result, complainant sustained loss of Rs. 1,50,000/- and even after execution of deed, they kept

confined her under custody and used to torture her but she anyhow fled away and reached Sono Police station but Darogajee did not lodge case then she filed complaint case.

It has been submitted on behalf of the petitioners that petitioner no. 1 is lady and has been falsely implicated in the present case. It is further submitted that the present prosecution has been instituted after a period of six months from the alleged date of occurrence for which no explanation has been made. It is further submitted that other accused have already been granted regular bail by this Court in Cr. Misc. No. 18831 of 2015.

On behalf of the State it has been submitted that petitioners are named in the first information report.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to petitioner no 2. Accordingly, his prayer for anticipatory bail is rejected.

If anyhow petitioner no 2 will surrender before the court below within a period of four weeks from today, the court below shall consider his case on its own merit without being prejudiced by this order and if possible, the same will be disposed of on the same day.

As far as petitioner no. 1 is concerned, she is a lady, let above named petitioner no. 1, be released on bail in the event

of arrest or surrender before the learned court below within a period of six weeks from today in connection with Sono P.S. Case No. 16 of 2008 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jamui, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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