

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39045 of 2014

Arising Out of PS.Case No. -19 Year- 2014 Thana -SIDHWALIA District- GOPALGANJ

- =====
1. Umarawati Kunwar @ Most. Umarawati Kunwar, wife of Late Nageshwar Kunwar
 2. Guriya Kumari, daughter of Late Nageshwar Kunwar
 3. Sunita Kunwar @ Sunita Devi, daughter of Late Nageshwar Kunwar

All are resident of Village-Bakhraur (Bathan Tola), P.O.-
Bishunpura Bazar, Police Station-Sidhwalia, District-Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Kumar Singh, Advocate

For the Opposite Party : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 16-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Umarawati Kunwar @ Most. Umarawati Kunwar, Guriya Kumari and Sunita Kunwar @ Sunita Devi, in connection with Sidhwalia Police Station Case No. 19 of 2014 under Section 302/201 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 28.08.2014, passed, in A.B.P. No. 1120 of 2014, by the learned Sessions Judge, Gopalganj, dismissing the said application for pre-arrest bail.

Heard Mr. Umesh Kumar Singh, learned Counsel

for the petitioner, and Mr. Madhuranand Jha, learned Additional Public Prosecutor, appearing on behalf of the State.

Considering the fact that though the learned Sessions Judge has rejected the prayer for pre arrest bail made by the petitioners by order dated 28.08.2014, passed in A.B.P. No.1120 of 2014, there is nothing on record to show that the death of deceased Mukesh Kunwar was *homicidal* in nature. In fact, no specific finding has been recorded by the learned Sessions Judge while rejecting the prayer for pre arrest bail.

Without, therefore, having any definite material to show that deceased Mukesh Kunwar met with *homicidal* death or at least an unnatural death, no case of *murder* can be said to have been made out

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, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Sidhwalia Police Station, District-Gopalganj. 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,

Sidhwalia Police Station, District-Gopalganj, 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, Sidhwalia Police Station, District-Gopalganj.

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

(I. A. Ansari, J)

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