

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38628 of 2014

Arising Out of PS.Case No. -39 Year- 2014 Thana -ATRI District- GAYA

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1. Anita Devi Daughter of Babulal Yadav.
 2. Birendra Yadav Son of Babulal Yadav.
 3. Nagina Yadav Son of Babulal Yadav.

All petitioner nos. 1 to 3 are resident of Village- Chahal Police Station-
Atri, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5 28-04-2015

Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners apprehend arrest in Atri P.S.
Case No. 39 of 2014 dated 17.02.2014 instituted under
Sections 302/201/34 of the Indian Penal Code.

The petitioner no. 1 is the married sister of the
deceased and petitioners no. 2 and 3 are brothers of the
husband of the deceased. The allegation against the petitioner
and other family members is general and omnibus for demand
of dowry and torture with further allegation that they had
killed the deceased and had burnt the body to destroy
evidence.

Learned counsel for the petitioner submits that
besides there being general and omnibus allegation, the
marriage had taken place 10 years back and for the said
period, there was no other complaint. It is further submitted

that as per the F.I.R. itself, there is specific allegation of demand of motorcycle and gold chain by the husband of the deceased and not the petitioner and that it has also come during investigation that the family members of the deceased participated in the funeral. Learned counsel has produced web copies of orders dated 21.01.2015 and 26.02.2015 passed by a co-ordinate Bench of this Court in Cr. Misc. Nos. 2356 of 2015 and 8241 of 2015, by which other co-accused namely, Arti Devi, Babu Lal Yadav and Sarswati Devi have been granted anticipatory bail.

Learned A.P.P. does not dispute the fact that the death is after 10 years of marriage and that it has come during investigation that the relatives of the deceased participated in the funeral.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in Atri P.S. Case No. 39 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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