

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34562 of 2014

Arising Out of PS.Case No. -7 Year- 2014 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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1. Fula Devi W/o Pramod Sao (Mami)
 2. Pramod Sao S/o Late Baso Sao (Mama) Both Resident of Village Kathrahi, P.S. Bind, District Nalanda.
 3. Gayetri Devi D/o Kailash Sao (Married Nanad)
 4. Pinki Devi D/o Kailash Sao (Nanad)
 5. Chintu Kumar @ Golu S/o Kailash Sao (Devar) All resident of Bypass Road, New Jaganpura, Near Giri Devi Mandir, P.S. Ram Krishna Nagar, District Patna.

.... Petitioners.

Versus

1. The State of Bihar

.... Opposite Party.

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with

Criminal Miscellaneous No.40405 of 2014

Arising Out of PS.Case No. -7 Year- 2014 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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1. Mantu Kumar, son of Kailash Sao, resident of Mohalla- New Jaganpura, New By Pass Road (Near Giri Devi Mandir), P.S. Ramkrishna Nagar, Patna, District- Patna.
 2. Manju Devi, wife of Kailash Sao, resident of Mohalla New Jaganpura, New By Pass Road (Near Giri Devi Mandir), P.S. Ramkrishna Nagar, Patna, District- Patna.

.... Petitioners.

Versus

1. The State of Bihar.
2. Kaushal Sah, son of Late Gagdish Sah, resident of Village- Pilkhi, P.S. Khudaganj, District- Nalanda.

.... Opposite Parties.

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Appearance :

(In Cr.Misc. No.34562 of 2014)

For the Petitioners : Mr. Kumar Rishikesh Chanchal, Advocate.

For the State : Mr. Manoj Kumar, A.P.P.

(In Cr.Misc. No.40405 of 2014)

For the Petitioners : Mr. Manendra Kumar Sinha, Advocate.

For the State : Mr. Ashok Kumar Singh 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

of 2014 submits that petitioner no. 2 Pramod Sao has already been arrested as well as learned counsel for the petitioners in Cr. Misc. No. 40405 of 2012 submits that petitioner no. 2 Manju Devi has already been arrested.

Hence bail application against petitioner no.2 Pramod Sao in Cr. Misc. No. 34562 of 2014 and petitioner no. 2 Manju Devi in Cr. Misc. no. 40405 of 2014 has become infructuous and names of both the petitioners have been deleted.

Heard learned counsel for the petitioners and learned counsel for the informant as well as learned counsel for the State.

Two bail petitions are being heard together and disposed of by common order as two cases arise in connection with Khudaganj P.S. Case No. 07 of 2014, (arising out of Complaint Case No. 1113C of 2013) registered under Sections 304B and 201/34 of the Indian Penal Code.

The prosecution case as alleged that marriage of daughter, namely, Baby Devi was solemnised with petitioner Mantu Kumar in Cr.Misc. No. 40405 of 2014. After marriage, there is allegation of subjecting to cruelty and demand. It is further alleged that victim was ousted from her matrimonial house and she reached to her Naihar. It is further alleged that on 26.09.2013 accused Mantu Kumar, Chintu Sao and Pramod Sao came to the house of the informant and asked to take the victim with assurance to keep her well and she will not be tortured and assaulted. After sometime on 21.11.2013 when the informant went to know welfare of the victim, it is learnt that victim has not reached the matrimonial house and it is alleged that victim was done to death.

Learned counsel for the petitioners submits that

petitioner-husband Mantu Kumar has at the place of work on the alleged date of occurrence. It is further submitted that victim was ill and she was being treated sometime by her in-laws and sometime by the informant and she died out of her illness and in this connection numerous prescriptions has been annexed in the petitions. However, in the case diary there is not mentioned of prescriptions nor about alibi of the petitioner Mantu Kumar about his presence in work place.

Having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail of **petitioner no. 1 Mantu Kumar in Cr. Misc. No. 40405 of 2014 and petitioner no. 5 Chintu Kumar @ Golu in Cr. Misc. No. 34562 of 2014.** Hence their prayer for anticipatory bail is hereby rejected.

So far petitioners Nos. **1, 3, and 4 namely, Fula Devi, Gayatri Devi and Pinki Devi in Cr. Misc. No. 34562 of 2014** in the event of their arrest/surrender within a period of four weeks from the date of receipt of the order in the court below shall be released on bail for four on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Hilsa, Nalanda, in connection with Khudaganj P.S. Case No. 07 of 2014, subject to condition as laid down under Section 438 (2) of Cr.P.C. Further condition that petitioners will appear on each and every date fixed in this case.

m.p.

(Gopal Prasad, J)

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