

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49917 of 2014

Arising Out of PS.Case No. -59 Year- 2014 Thana -BHAGWANPUR District- BEGUSARAI

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1. Sita Devi @ Manakia Devi Wife of Bachan Das R/o Village Muketayarpur, P.S. Bhagwanpur, District Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.20699 of 2015

Arising Out of PS.Case No. -59 Year- 2014 Thana -BHAGWANPUR District- BEGUSARAI

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1. Kishan Das S/o Bachchan Das Resident of Village- Muktiyarpur, P.s- Bhagwanpur, District Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.49917 of 2014)

For the Petitioner/s : Mr. Raj Kumar Sinha

For the Opposite Party/s : Mr. Md.A.Haque Sahara(App)

(In Cr.Misc. No.20699 of 2015)

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-05-2015 As both these cases arise out of the same police station case number, they have been heard together and are being disposed of by this common order.

The petitioners are apprehending their arrest in connection with Bhagwanpur P.S.Case No., 59 of 2014 instituted under Sections 304(B).201/34 of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The informant alleged that her daughter, Asha Devi, was married with Kishan Das in the year 2008. The informant's daughter got two children. It is further alleged that Kishan Das and other family members began to demand additional dowry, which was not fulfilled and ultimately, the informant's daughter was killed by the accused persons.

It has been submitted on behalf of the petitioner in Cr.Misc. No. 49917 of 2014 that she is mother-in-law of the deceased and she has no concern with the husband of the deceased and she is living separately.

On behalf of petitioner in Cr. Misc. No. 20699 of 2015 it has been submitted that the petitioner is the husband of the deceased and he has falsely been implicated in this case. It has further been submitted that the deceased died due to natural death.

On behalf of the State, it has been submitted that the petitioners are named in the FIR. It has further been stated on behalf of the State that one of the petitioners, namely, Kishan Das, is the husband of the deceased and he is liable to take the responsibility of his wife and onus is upon him to prove his innocence as per Section 106 of the Evidence Act.

Considering the aforesaid facts, let the above named

petitioner (Sita Devi @ Manakia Devi in Cr. Misc. No. 49917 of 2014), in the event of her arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Bhagwanpur P.S. Case No. 59 of 2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

So far petitioner Kishan Das in Cr. Misc. No.20699 of 2015 is concerned, his prayer for anticipatory bail is rejected. However, if he surrenders in the court below within a period of eight weeks and seek regular bail, the same shall be considered by the court below without being prejudiced by his order of rejection.

(Sudhir Singh, J)

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