

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51869 of 2014

Arising Out of PS.Case No. -411 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

- =====
1. Ram Narayan Singh
 2. Rajeshwar Singh Both Sons of Chaturgun Singh
 3. Chaturgun Singh Son of Late Vishwanath Singh All resident of Village - Akawani, P.S. - Sonhan, District - Kaimur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Naresh Chandra Verma

For the Opposite Party : Mr. Ram Sumiran Rai (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 30-06-2015

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

The petitioners herein are the husband, brother of the husband and father of the husband respectively of the victim who is own sister of the informant/complainant apprehend their arrest in connection with Bhabhua P.S. case no. 411 of 2014, registered under Sections 302, 201/34 of the IPC with an allegation that the victim was married to the petitioner no.1 17 years ago. She was ill treated by the husband. When the informant wanted to meet her few months prior to lodging of the complaint he was not allowed to do so. Subsequently, it was revealed that his sister was done to death inasmuch as her dead body was disposed of. With these

allegations the complaint/First Information Report was lodged.

Learned counsel for the petitioners submits that there is no evidence to show that the deceased was done to death . The dead body has not been found. It is mere apprehension of the informant that the wife of the petitioner no.1 have been done to death. Even if the suspicion raised in the First Information Report are accepted as correct for arguments sake no motive as well as role to the commission of crime can be assigned to petitioner nos. 2 and 3. The petitioner no.1 two months after lodging of the present case had also lodged a case regarding tracelessness of his wife.

Learned counsel(s) for the State and the informant have opposed the prayer and submitted that the victim is still traceless. The complaint lodged by the petitioner no.1 was an after thought to save the skin.

Having considered the submissions of the parties, in my considered view, the allegation contained in the prosecution report and the materials available on record as also reflected from the impugned order, I am not persuaded to extend the benefit of anticipatory bail to the petitioner no.1, namely, Ram Narayan Singh. Prayer for bail is rejected.

Petitioner No.1 may surrender and pray for regular

bail before the learned Court below. In that event the Court below shall consider and dispose of the same on its own merit and pass appropriate orders uninfluenced by the present order.

In so far as the petitioner nos. 2 and 3 are concerned, they being the other family members of the husband of the victim, this Court is persuaded to extend them the privilege of anticipatory bail. Let the petitioner nos. 2 and 3, namely, namely, Rajeshwar Singh and Chaturgun Singh respectively in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on 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, Bhabhua, in connection with Bhabhua (Sonhan) P.S. case no. 411 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In

case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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