

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23265 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -
DIGHWARA District- SARAN

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1. Rita Devi, wife of Sidenath Singh
 2. Sidenath Singh @ Sidhu Singh @ Siddheshwar Singh, son of Late Mahadeo Singh
 3. Ashutosh Kumar @ Ashutosh Chauhan, son of Sidenath Singh
 4. Kanchan Kumari @ Siya Raj
 5. Chhoti Kumari @ Nilima @ Nilima Kumari
Both daughters of Sidenath Singh
- All above resident of Village - Aami, Police Station -
Dighwara, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhachal Singh, Adv.
Mr. Parijat Saurav, Adv.

For the Opposite Party/s : Mr. Nand Kishore Pd. (APP)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 15-07-2016

The certified copy of the First Information
Report on behalf of the petitioners has been filed. Let it
be kept on record.

Heard the parties.

This application, for grant of anticipatory bail, arises out of Dighwara P.S. Case No.15 of 2016, disclosing offences under Sections 302 and 201/34 of the Indian Penal Code.

Petitioner Nos.1 and 2 are the mother and father of the deceased, whereas, petitioner Nos.3, 4 and 5 are brother and sisters of the deceased. The entire family has been implicated in this case, instituted at the instance of the father-in-law of the deceased, who is the informant, with an allegation of killing the deceased.

Learned counsel, appearing on behalf of the petitioners, has submitted that the case of the prosecution, as narrated in the First Information Report, is unbelievable and maliciously false.

Learned counsel, appearing on behalf of the informant, has vehemently opposed the prayer for bail and has submitted that since it is a case of gruesome murder by the petitioners of their own son, they should not be given the privilege of anticipatory bail.

The carbon copy of the case diary of Dighwara P.S. Case No.15 of 2016 is available. Upon perusal of the case diary, I do not find any sufficient material, justifying implication of these petitioners.

Learned counsel, appearing on behalf of the petitioners, appears to be, *prima facie*, correct that institution of the present case is for ulterior reasons.

Considering the facts and circumstances of the case, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Saran, Chapra**, in connection with **Dighwara P.S. Case No.15 of 2016**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, above named, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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