

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16295 of 2014

Arising Out of PS.Case No. -26 Year- 2014 Thana -MAHILA P.S. District- SIWAN

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1. Brajendra Dwivedi @ Brijendra Dubey @ Bijendra Dubey S/O Late Babban Dwivedi
2. Bina Dwivedi W/O Brajendra Dwivedi Both are Resident of Village- Majhwalia, P.O- Karom, P.S- Darauli, District- Siwan. At Present Address S.D.M. Bhatpar Rani, District- Deoria (U.P)

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Manan Kumar Mishra, Sr.Advocate
Mr. Radha Mohan Pathak,Advocate
For the OP No. 2 : Mr. Jitendra Kumar Singh, APP
For the informant : Mr. Ajay Kumar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

12 10-02-2016 Heard the learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the alleged offences under Sections 306 and 34 of the Indian Penal Code and Section 4 of the D.P. Act registered in connection with Siwan Mahila P.S. Case No. 26 of 2014.

3. It is submitted that the petitioners have been falsely implicated. Even the averments in the FIR did not constitute the offence under Section 306 of the Indian Penal Code as concern the petitioners who had been implicated merely because they happen to be the uncle and aunt of the boy for whose marriage, negotiations were going on with the informant's granddaughter, the latter having subsequently

committed suicide.

4. Learned APP assisted by learned counsel for the informant submits on the basis of case diary of Siwan Rail P.S Case No. 03 of 2014 that the petitioner no. 1 was present during the negotiations of marriage.

5. Having regard to the entirety of the facts and circumstances of the case, the provisional bail granted to the petitioners by order dated 20.05.2015 pending in the Court of learned Chief Judicial Magistrate, Siwan in connection with Siwan Mahila P.S. Case No. 26 of 2014 is hereby confirmed subject to the following conditions:

(i) the petitioners will be well represented on each and every date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled by the Court concerned.

(ii) the petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail

(Vikash Jain, J)

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