

Arising from the above, the following are the reasons for the same:

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1. Rakesh Kumar
2. Anand Kumar
3. Bharti Kumar

Muzaffar

1. The

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1. Rakesh Rai
2. Anandi Rai
Both sons of Late Shivji Rai
3. Bharti Devi wife of Anandi Rai

All residents of Village - Sakari, P.S.- Kurhani, District - Muzaffarpur.

..... Petitioners

Versus

1. The State of Bihar.
2. Geeta Devi wife of Rakesh Rai, resident of village- Sakari, P.S. Kudni, District- Muzaffarpur

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

10 22-11-2016 Heard Sri Bindkeshari Kumar, learned Senior
Counsel, who was assisted by Sri Satya Prakash and Sri
J.N.Thakur, learned Addl. Public Prosecutor.

Three petitioners, who are husband of the informant, his elder brother and brother's wife, have approached this Court for grant of anticipatory bail in Kurhani P.S. case No.277/2015 registered for the offence under Sections 498A, 326/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

In this case, earlier by order dated 28.03.2016, a bench of this Court, while directing for issuance of notice to



Opp.Party no.2/ informant, had directed for not taking any coercive steps against the petitioners. Fact remains that during pendency of this petition, the informant died. A plea was taken by learned counsel for the petitioners that firstly due to accident, the informant had received burn injury and, thereafter, her fardbeyan was got recorded on 11.06.2015, in which the victim had not made any allegation against any of the accused persons, rather it was disclosed that due to leakage of L.P.G. cylinder she had received burn injury. It was argued that after about 45 days from the earlier fardbeyan, again fardbeyan of the victim was got recorded in P.M.C.H., in which the informant made allegation of demand of dowry, pouring of K.Oil and also setting her on fire.

In this case, earlier a Bench of this Court had also directed to the concerned Superintendent of Police and the Investigating Officer to file affidavit. In compliance with earlier order an affidavit has been filed and in the affidavit also, it has been accepted that for the first time in fardbeyan of the victim, no allegation was made and subsequently the present F.I.R. was lodged.

Learned Addl. Public Prosecutor, opposing the prayer for anticipatory bail, submits that the investigation is still

continuing.

Keeping in the fact that the investigation in the present case is still continuing and earlier interim protection was given to the petitioners on the plea that in earlier fardbeyan, there was no allegation against the petitioners, the Court is of the opinion that petitioners can be allowed to enjoy the same privilege till completion of the investigation.

Accordingly, the aforesaid three petitioners, namely, (i) Rakesh Rai (ii) Anandi Rai and (iii) Bharti Devi are directed to be released on bail, in the event of their arrest or surrender within six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur in connection with Kurhani P.S. Case No.277/2015.

It is made clear that if during further investigation, accusation against the petitioners is collected and they are forwarded as accused, their bail bond in the present case shall stand automatically cancelled and they will have to appear before the court below and make a prayer for regular bail.

(Rakesh Kumar, J)

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