

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21136 of 2016

Arising Out of PS.Case No. -250 Year- 2014 Thana -SAHPUR District- PATNA

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1. Bhukhal Rai son of Late Bideshi Rai
 2. Babita Devi D/o Bhukhal Rai both are resident of village Hetanpur,
P.S. Shahpur, District- Patna
 3. Punam Devi @ Sulekha Devi wife of Kajal Rai
 4. Kajal Rai son of Malmaster
 5. Malmaster son of Late Hari Rai, all these three are resident of
village- Shankarpur, P.S.- Shahpur, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Rai 1, Advocate
Mrs. Usha Kumari Singh, Advocate
For the Opposite Party/s : Mr. B. Ram, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-05-2016

Heard the parties.

The petitioners, 5 in number, apprehend their arrest in a criminal prosecution registered under Sections 304B and 201/34 of the Indian Penal Code.

The learned counsel appearing on behalf of the petitioners submits that the petitioner no.1 is the father-in-law of the deceased and petitioner nos. 2 and 3 are married sisters of the husband of the deceased, whereas petitioner no.4 is brother-in-law of the husband of the deceased and petitioner no.5 is the father-in-law of the sister of the husband of the deceased, and allegations against them are general and omnibus in nature.

Taking into consideration the nature of allegations as also the relationship of the petitioner no.1 Bhukhal Rai with that of the deceased, and he being the father-in-law of the deceased, this Court is not inclined to accede to the prayer made on behalf of

the petitioner no. 1 for grant of anticipatory bail. Accordingly, his prayer for anticipatory bail in connection with Shahpur P.S. Case No. 250 of 2014 pending in the court of Sri A.K.Thakur, learned Judicial Magistrate, 1st Class, Danapur is rejected.

However, if the petitioner no.1 surrenders in the court below within a period of four weeks from today and applies for regular bail, then the same shall be considered on its own merits without being prejudiced by the present order.

So far petitioner nos. 2 to 5 are concerned, taking into consideration their relationship with that of the deceased, and they not being the close family members of the husband of the deceased, rather most of them appear to be residents of some other places, this Court is inclined to accede to the prayer made on their behalf for grant of anticipatory bail.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the petitioner nos. 2 to 5 namely, Babita Devi, Punam Devi @ Sulekha Devi, Kajal Rai and Malmaster be released on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Sri A.K.Thakur, learned Judicial Magistrate, 1st Class, Danapur in connection with Shahpur P.S. Case No. 250 of 2014, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

- (A) one of the bailors of each petitioners must be a government servant or close family member of the petitioners who will file an affidavit in the court below showing their relationship with the petitioners,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty

to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and
(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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