

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37868 of 2015

Arising Out of PS.Case No. -182 Year- 2015 Thana -MARHAURA District- SARAN

- =====
1. Devnath Rai @ Deonath Rai Son of Late Jai Rai
 2. Ajay Kumar Rai son of Devnath Rai
 3. Rina Devi wife of Ajay Rai All are resident of village- Silhauri, P.S.- Marhaura, 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. Shrinath
For the Opposite Party/s : Mr. Anil Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 24-02-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Marhowrah P.S. Case No. 182 of 2015, disclosing offences
under Section 302/34 of the Indian Penal Code.

The petitioner No.1 is the father-in-law of the deceased
whereas, petitioner No.2 is the brother of the husband of the
deceased. Petitioner No.3 is the wife of petitioner No.2.

Referring to the First Information Report, learned
counsel appearing on behalf of the petitioners submits that the
petitioners have been implicated merely on the basis of suspicion.
It has further been submitted that even in course of investigation

no material has come on the basis of which the implication of these petitioners can be said to be justified.

Learned Additional Public Prosecutor appearing on behalf of the State has not been able to counter the submissions advanced on behalf of the petitioners on the basis of the case diary.

Considering the nature of allegation and the submissions advanced on behalf of the petitioners, this application is allowed as the learned counsel for the petitioners has been able to make out that this is an exceptional case where the petitioners are entitled to privilege of anticipatory bail despite the fact that they are accused under Section 302/34 of the Indian Penal Code.

Let the above-named petitioners in the event of their arrest/surrender within four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 182 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners 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)

ArunKumar/-

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