

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39091 of 2015

Arising Out of PS.Case No. -393 Year- 2014 Thana -LAKHISARAI District- LAKHISARAI

- =====
1. Manish Kumar S/o Suresh Sao
2. Beena Devi W/o Suresh Sao Both Resident of Village Dulhar, P.S. Asarganj, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Sinha

For the Opposite Party/s : Mr. T.P.Mandal(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 23-02-2016

Heard both sides.

Petitioners apprehend their arrest in Lakhisarai P.S. case no. 393 of 2014 registered for the offence punishable under Sections 304(B)/34 of the IPC.

It is a case lodged at least several months after the occurrence by the informant alleging that his sister was done to death for want of non fulfillment of demand of dowry. It appears that with respect to the incident in which the deceased caught fire a UD case was registered in which the statement of the girl/victim was recorded.

It is stated that victim girl did not allege anything against the petitioners who are husband and mother-in-law



respectively. Several months thereafter a complaint was filed on 22. 5.2014 which came to be registered as Lakhisarai P.S case no. 393 of 2014 on 10.7.2014. Its further submitted that considering the peculiar facts of the case other co accuseds of this case have been released on anticipatory bail by the learned Sessions Judge vide order dated 8.5.2015 (Annexure- 2/A). The peculiar facts do apply in the case of the petitioners as well.

Considering the abnormal delay in lodging the First Information Report and also the fact that it was preceded by institution of UD case in which statement of the victim girl was also recorded implicating none, I am persuaded to extend the privilege of anticipatory bail to the petitioners.

In the event of their arrest or surrender in the Court below within a period of four weeks from today, the petitioners, above named, are directed to 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. case no. 393 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

- (i) One of the bailors shall be the own/close family member of the petitioners.



(ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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