

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 28819 of 2016

Arising out of P.S. Case No. - 252 Year - 2015 Thana - BARHARIA District - SIWAN

- =====
1. Mostt. Vidyawati Devi @ Musmat Viyawati Devi, Wife of Late Kanhaiya Shah
 2. Gyanti Devi, Wife of Madan Shah, R/o Village - Konhawa, P.S. – Gopalganj, District - Gopalganj
 3. Ajay Shah, Son of Late Kanhaiya Shah
 4. Amit Shah, Son of Late Kanhaiya Shah
 5. Arbind Shah, Son of Late Kanhaiya Shah

Petitioner Nos. 1, 3, 4 & 5 are residents of village - Padrawana, P.S. - Barharia, District - Siwan

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party : Smt. Reena Sinha, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 07-09-2016 Learned counsel for the petitioners submits that petitioner no. 1 Mostt. Vidyawati Devi @ Musmat Viyawati Devi has been taken into custody and, therefore, the application as against her has become infructuous. He, therefore, prayed leave to withdraw the same.

The liberty is granted. The application as against petitioner no. 1, is thus, dismissed as withdrawn.

The case shall now proceed against the other petitioners.

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in

connection with Barhariya P.S. Case No. 252 of 2015 registered for the offences punishable under Section 304B/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that so far petitioner no. 2 is concerned, she is the married Nanad and has been residing separately and the entire family members have been roped. The other petitioners namely, Ajay Shah and Arbind Shah (petitioners 3 and 5) are the Devars of the deceased and there is no allegation of assault against them. So far as petitioner no. 4 is concerned, he is the husband of the deceased.

Case diary, in the present case, was called for which has since been received. Case diary reveals ligature mark on the neck of the deceased which shows that it is a case of throttling as indicated in the post mortem report.

Considering the nature of allegations made against the petitioner nos. 2, 3 and 5, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Siwan in connection with Barhariya

P.S. Case No. 252 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far petitioner no. 4 Amit Sah, the husband of the deceased, is concerned, his prayer for anticipatory bail stands rejected.

(Anjana Mishra, J.)

Kundan

U		T	
---	--	---	--