

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29359 of 2016

Arising Out of PS.Case No. -150 Year- 2016 Thana -SIMRI BAKHTIARPUR District- SAHARSA
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1. Basant Singh
2. Hemant Singh @ Hemant Kumar
3. Yasbant Singh @ Jasbant Singh
4. Balbant Singh All are sons of Srikant Singh and resident of Village-
Kathdumar, P.S.- Simri Bakhtiyarpur, District- Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party
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Appearance :

For the Petitioners : Mr. Krishna Prasad Singh, Sr. Advocate.
For the Opposite Party : Mr. Sahin Begam, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-09-2016 Heard both sides.

The petitioners apprehend their arrest in Bakhtiyarpur (Kanaria O.P.) P.S. Case No. 150 of 2016 registered for the offences punishable under Sections 304(B)/34, 342, 323 and 324 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The father of the deceased alleged that his daughter was married to Mukesh Kumar Singh, son of Srikant Singh of village Kadumar, police station Bakhtiyarpur, Saharsa on 28.12.2013. On the occasion of Upnayan ceremony of grand son of Srikant Singh his two sons Raju Kumar Singh and Raja Babu had gone to attend the ceremony. On 02.05.2016 Mukesh Kumar Singh asked the



sons of the informant to give motorcycle, the daughter of the informant replied that her father is poor and he is not in a position to give motorcycle on such Mukesh Kumar Singh assaulted his daughter and thereafter all the accused persons including the petitioners assaulted his daughter and killed her after locking the sons of the informant inside the room. They cremated the dead body and only thereafter let the sons of the informant to go out.

Learned counsel for the petitioners submits that Raju Kumar Singh and Raja Babu the two sons of the informant are said to be the eye witness of the occurrence. The occurrence took place on 02.05.2016 but the informant lodged this case on 09.05.2016. It is further submitted that sons of the informant were let to go out on the same day but the informant lodged the case after one week of the date of occurrence. The investigating officer in para-10 of the case diary stated about the institution of Sanha for death of the deceased, daughter of the informant on 02.05.2016 itself vide Sanha No. 26 of 2016. The petitioners are brothers-in-law of the deceased and they have no manner of concern with the family affairs of the deceased.

Learned APP however vehemently opposed the prayer for anticipatory bail of the petitioners.

It appears that Raju Kumar Singh and Raja Babu the

two sons of the informant are said to be eye witness of the occurrence and the occurrence took place on 02.05.2016. The sons of the informant informed about the occurrence on the date of occurrence but the informant lodged the case after seven days of the occurrence without giving any explanation for such delay.

Considering the facts aforesaid and the fact that the petitioners are brothers-in-law of the deceased, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Bakhtiyarpur (Kanaria O.P.) P.S. Case No. 150 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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