

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54175 of 2015

Arising Out of PS.Case No. -174 Year- 2015 Thana -SIMRI District- BUXAR

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1. Chandan Singh, S/o- Jawahar Singh.
2. Kundan Singh @ Rajbardhan Singh, S/o- Jawahar Singh.
3. Jawahar Singh, S/o- Late Nand Kishore Singh. All resident of Village-
Tilak Rai Ka Hata, P.S. Simri (Tilak Rai Ka Hata O.P.), District- Buxar.
..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Smt.Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 29-02-2016 Heard Mr. Pramod Kumar Singh for the petitioners
and Mr. Dayal, APP for the State.

As prayed, the application filed on behalf of
petitioner nos. 1 and 3 stand dismissed as having become
infructuous as during the pendency of the application, they have
been arrested.

Petitioner no. 2 is the 'devar' of the victim lady.
Initially the case i.e. Simri P.S. Case No. 174 of 2015 was lodged
under Sections 498A, 304B and 201/34 of the Indian Penal Code.
It is alleged that within one year of marriage, the victim was done
to death in the matrimonial home.

Counsel for the petitioner submits that the
Supervising Police Officer, on the basis of materials collected,
found it to be a case under section 306 IPC. The victim was none
else but full brother of the wife of the petitioner. The investigation
report also suggests that it was a dispute between the husband and

wife. The Police have exonerated some of the other family members who were also cited as accuseds.

Considering the facts and circumstances of the case, I direct that in the event of arrest or surrender in the Court below within four weeks, the petitioner no. 2 namely Kundan Singh @ Rajbardhan Singh is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in Simri P.S. Case No. 174 of 2015 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 bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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