

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.482 of 2016

Arising Out of PS.Case No. -128 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

1. Renu Devi W/o Sanjay Ram
2. Sanjay Ram W/o Late Bilas Ram
3. Anandi Ram S/o Late Bhanu Ram
4. Reeta Devi W/o Late Shankar Ram
Petitioner no.1 to 3 resident of Village- Anandpur Pipra, P.S.- Saraiya, Dist-
Muzaffarpur, and Petitioner No. 4 resident of Village- Belsar P.S.+ Dist-
Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey
For the Opposite Party/s : Mr. Gopesh Kumar (App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 17-02-2016 Heard Sri Sunil Kumar Pandey, learned counsel for the
petitioners and Sri Damodar Prasad Tiwary, learned A.P.P.

Four petitioners, apprehending their arrest in connection
with Saraiya P.S. Case No. 128 of 2015 registered for the offence
under section 304-B / 34 of the Indian Penal Code have prayed for
grant of anticipatory bail.

It was submitted by learned counsel for the petitioners
that in the F.I.R. entire family even the distant family members
of the husband of the deceased were made accused whereas it has
been recorded by the investigating officer that after getting
information regarding death police arrived at the place of

occurrence and it was noticed that room was locked from inside. Subsequently it was opened and dead body was found hanging from the fan. He submits that even during investigation fact has come that it was a case of suicide and police has found the case under Section 306 of the Indian Penal Code which is evident from paragraph no. 76 of the case diary.

Learned counsel for the petitioners submits that during investigation fact has come that petitioner no. 1 who is wife of petitioner no. 2 was residing at Kolkatta. The petitioner no. 2 is the elder brother of the husband of the deceased, petitioner no. 3 is maternal uncle of the husband of the deceased and petitioner no. 4 is widow have been made accused. He further submits that it has come that the deceased was residing with her mother- in- law and one divorcee sister of the husband. Both have already been arrested. Accordingly, a prayer has been made to extend the privilege of anticipatory bail since till date no cogent material has been collected against the petitioners.

Besides hearing I have also perused the case diary which was earlier summoned and kept on record. After going through the material on record, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail to the petitioners since during investigation police has found the case

under Section 306 of the Indian Penal Code and not under Section 304-B of the Indian Penal Code. Accordingly in the event of arrest or surrender of the petitioners Renu Devi, Sanjay Ram, Anandi Ram, Reeta Devi within a period of six weeks from today, let them be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate (West) Muzaffarpur in connection with Saraiya P.S. Case No. 128 of 2015 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

It is made clear that if during further investigation any cogent material is brought on record suggesting involvement of the petitioners and charge sheet is submitted subsequently, then in that event the bail bond of all the petitioners shall stand automatically cancelled and they will have to make a prayer for regular bail before the court below.

(Rakesh Kumar, J)

Praful/-

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