

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45969 of 2016

Arising Out of PS.Case No. -142 Year- 2015 Thana -AMNAUR District- SARAN

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1. Badal Ram son of Krishna Ram
 2. Bedamia Devi wife of Krishna Ram
 3. Krishna Ram @ Jhaman Ram son of Late Bharat Ram
 4. Sanjay Ram son of Krishna Ram All are resident of Village- Lakhna, Police Station- Amnour, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 30-11-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners pray for Anticipatory bail in Amnour P.S. Case No. 142 of 2015, registered under Sections 328, 302/34 of the Indian Penal Code.

It is stated that the deceased was living separately but on the date of occurrence petitioner no.3 called him to field on some plea. Subsequently, husband returned with smell of liquor and took to bed. He later developed complications and died. The informant has suspected the hand of the petitioners in the alleged crime owing to some family dispute.

Learned counsel submits that several witnesses have stated that the deceased was in the habit of taking liquor and was also suffering from heart ailment. The implication of petitioner no.1 (Badal Ram) petitioner no.2 (Bedamia Devi) and petitioner no.4 (Sanjay Ram) is merely on suspicion. They are not the person who took the victim. In fact it is the case of natural death.

Learned counsel for the State on the other hand submitted with



reference to statement of some witnesses that the informant has specifically alleged against the father-in-law (petitioner no.3) that he took the victim and thereafter he came back in precarious conditions and subsequently died.

Considering the facts and circumstances of the case, the prayer of bail made on behalf of petitioner no.3 (Krishna Ram @ Jhaman Ram) is rejected. So far as the petitioner no.1 (Badal Ram) petitioner no. 2 (Bedamia Devi) and petitioner no.4 (Sanjay Ram) I am persuaded to extend them the privilege of anticipatory bail. In the event of arrest or surrender in the court below within four weeks, the petitioner above named, 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 to the satisfaction of Sri Amrendra Prasad, Judicial Magistrate, 1st class, Chapra in Amnour P.S. Case No. 142 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 bailors shall be the own/close family members of the petitioner.
- (ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the court below. In case of default in doing so on two consecutives occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure his arrest in accordance with law.

siddharth/-

(Kishore Kumar Mandal, J)

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