



IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44615 of 2016

Arising Out of PS.Case No. -109 Year- 2014 Thana -KOTWA District-
EASTCHAMPARAN (MOTIHARI)

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1. Manju Devi, wife of Kameshwar Giri, Resident of Village- Chardawali, P.S.- Sathi, District- West Champaran (Bihar).
2. Raj Kumari Devi @ Kishori Devi, wife of Late Jay Narayan Giri, Resident of Village- Rajapur Mathia, P.S.- Kotwa, District- East Champaran (Bihar).
3. Mukund Giri, son of Late Jai Narayan Giri, Resident of Village- Rajapur Mathia, P.S.- Kotwa, District- East Champaran (Bihar).
4. Binda Devi @ Bindu Devi @ Bindu Giri, wife of Mukund Giri, Resident of Village- Rajapur Mathia, P.S.- Kotwa, District- East Champaran (Bihar).
5. Sachin Kumar Giri, son of Late Jai Narayan Giri, Resident of Village- Rajapur Mathia, P.S.- Kotwa, District- East Champaran (Bihar).
6. Nirmala @ Nirmala Devi @ Nirmala Giri, wife of Sachin Kumar Giri, Resident of Village- Rajapur Mathia, P.S.- Kotwa, District- East Champaran (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Giri
Mr. Santosh Kumar Mishra
For the Opposite Party/s : Mrs. Indu Bala Pandey

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 27-10-2016

Heard the parties.

This application, for grant of anticipatory bail, arises out of Kotwa P.S. Case No. 109 of 2014, disclosing offences under Section 304(B) read with Section 34 of the Indian Penal Code.

Petitioner No. 1 is the married sister of the husband of the deceased, whereas petitioner No. 2 is mother-in-law of the deceased. Petitioners Nos. 3 and 5 are elder brothers of the husband of the deceased, whereas petitioner Nos. 4 and 6 are wives of petitioner Nos. 3 and 5 respectively.

Learned counsel for the petitioners, for the purpose of grant of anticipatory bail has made two main submissions. Firstly, according to him, the husband of the deceased was taken into custody and he has, subsequently, been released on bail. He, secondly, submits that the police, upon completion of investigation, submitted police report on 21.05.2015, finding the case against these petitioners to be untrue. Learned Additional Chief Judicial Magistrate, Motihari, has, however, after taking cognizance of the offence, issued summons to

these petitioners mainly on the basis of purported dying declaration of the deceased.

Learned counsel for the petitioners, while referring the order of the learned Additional Chief Judicial Magistrate, Motihari, has submitted that the dying declaration of the deceased, cannot be treated to be a dying declaration as the same is alleged to have been made before private persons.

Considering the submission, as above, and the fact that the husband of the deceased has been granted regular bail, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, Motihari**, in connection with **Kotwa P.S. Case No. 109 of 2014**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required

and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-c

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