

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10451 of 2016

Arising Out of PS.Case No. -455 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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Ram Swaroop Mandal Son of Late Prasadi Mandal, Resident of Nathlok Bagicha, P.S. - Kahalgaon, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.8310 of 2016

Arising Out of PS.Case No. -455 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

- =====
1. Shrawan Mandal @ Shrawan Kumar @ Shrawan Kumar Mandal Son of Ram Swaroop Mandal
 2. Soudhi @ Sangam @ Sadanand Mandal @ Sadanand Kumar Son of Ram Swaroop Mandal. Both residents of Nathlok Bagicha, P.S. Kahalgaon, District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.10451 of 2016)

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. M.Dayal(APP)

(In Cr.Misc. No.8310 of 2016)

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-05-2016 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

Petitioner in Cr. Misc. No. 10451 of 2016 is

father-in-law and petitioners in Cr. Misc. No. 8310 of 2016

are Devars of the deceased, who apprehend their arrest in connection with Kahalgaon P.S. Case No. 455 of 2015 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case, in brief, is that the daughter of the informant, Nabinta Kumari had talked with her mother on mobile at 8:00 P.M. and on the same day at 11:00 P.M., husband of the daughter of the informant informed on mobile that Nabinta is ill. Having received such information, informant along with some villagers reached the matrimonial house of his daughter, but he found that the house was locked and nobody was present there, even the cattle were not there. On query from the neighbourers, they did not disclose anything to him. It is alleged that the accused persons killed the daughter of the informant and concealed her dead body and fled away.

It has been submitted by the learned counsel for the petitioners that the allegations upon the petitioners are not specific. First Information Report has been lodged after delay of about 6 – 7 hours from the arrival of the informant to the place of occurrence, although the police station is only half kilometer away from the place of occurrence and only



general and omnibus allegations have been levelled against them. He further submits that there is no eye-witness to the occurrence and the husband of the deceased, Boudhi Mandal has already surrendered and is in jail custody since 24.11.2015. He further submits that there is no allegation of demand of dowry or torture against the petitioners. He submits that the mother-in-law having similar allegation, has since been granted the privilege of anticipatory bail in Cr. Misc. No. 10089 of 2016 on 17.05.2016, as such, petitioners also deserve grant of anticipatory bail.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the co-accused having similar allegation has been granted the privilege of anticipatory bail and the husband has already surrendered and is in jail custody, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection

with Kahalgaon P.S. Case No. 455 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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