

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16296 of 2016

Arising Out of PS.Case No. -395 Year- 2014 Thana -BARACHATTI District- GAYA

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1. Bijay Paswan son of Late Bansi Paswan
 2. Pankaj Paswan, son of Bijay Paswan
 3. Ajodhya Paswan @ Ayodhya Paswan, son of Bijay Paswan
 4. Bachi Devi @ Bachhi Devi, wife of Bijay Paswan
 5. Minki Devi, wife of Ajodhya Paswan All resident of village- Kendua, P.S.- Barachatti, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr. P.K.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 01-07-2016 Heard both sides.

The petitioners apprehend their arrest in Barachatti P.S. case No. 395 of 2014 registered under Section 302, 201/34 of the Indian Penal Code.

The Chowkidar lodged the case against unknown after recovery of a dead body but during the course of investigation father and other relatives of the deceased identified the dead body and stated that Sunita was murdered by her husband and other in-laws and they threw her dead body in a canal. It has also come that a Panchayati was held as the accused persons were torturing the deceased.



The learned counsel for the petitioners submits that Charitar Paswan and Prabhar Kumar Paswan have already been enlarged on anticipatory bail as they were villagers. It is submitted that father-in-law, brother-in-law, mother-in-law and sister-in-law of the deceased including the husband have been made accused in the case but in-laws of the deceased have no manner of concern with the family affairs of the husband and wife. The marriage was solemnized in the year 2009 and no specific allegation is made against petitioner No.1, Bijay Paswan (father-in-law), 3.Ajodhya Paswan @ Ayodhya Paswan (brother-in-law), 4. Bachi Devi @ Bachhi Devi (mother-in-law) and 5. Minki Devi (sister-in-law).

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners No. 1, 3, 4 and 5, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Narendra Pal Singh, learned Judicial Magistrate, 1st class, Sherghaty, Gaya in Barachatti P.S. Case No. 395 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as case of petitioner No.2, Pankaj Paswan, is concerned, he is husband of the deceased and father of deceased and other relatives have made specific allegation against petitioner No.2 that he was torturing the deceased and dead body of deceased was found floating in a canal.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner No.2 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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