

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49493 of 2015

Arising Out of PS.Case No. -72 Year- 2011 Thana -MALSALAMI District- PATNA

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1. Mahesh Saw Son of Late Ram Babu Saw
2. Sunita Devi Wife of Mahesh Saw Both Resident of Village - Jafarabad,
P.S.- Rustampur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Anil Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-02-2016 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Malsalami P.S.Case No. 72 of 2011 instituted under Sections 304(B)/34 of the Indian Penal Code.

The prosecution story, in brief, is that Munni Kumari was married with co-accused Anil Sao in February, 2011 and she died unnatural death in her matrimonial house in May, 2011. There is allegation of demand of dowry and torture against the husband and other in-laws including the petitioners.

Earlier the bail of the petitioners is held to be not maintainable as no process of arrest was issued against the petitioners, which is evident from the order passed in Cr. Misc. No. 30128 of 2014 but liberty was given to the petitioners to

renew their prayer for bail if the process is issued. From perusal of Annexure 3 it appears that the process has already been issued against the petitioners.

It is submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that petitioner no.1 is Nandosi of the deceased and petitioner no.2 is the married Nanad of the deceased. They are living separate in mess and property of the husband of the deceased.

On behalf of the State, it is submitted that the petitioners are named in the FIR.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Patna City, District- Patna in connection with Malsalami P.S.Case No. 72 of 2011, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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