

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41904 of 2016

Arising Out of PS.Case No. -968 Year- 2011 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Brajesh Sao @ Brajesh Kumar Son of Sadhu Sao
2. Rubi Kumar D/o Sadhu Sao null
3. Renu Devi D/o Sadhu Sao null
4. Sadhu Sao Son of late chaitar Sao
5. Radhika Devi Wife of Sadhu Sao All Resident of Village -Deo Pokhra
Par, P.S- Deo Distt- Aurangabad.

.... Petitioner/s

Versus

1. State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sri Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 21-10-2016 Heard the parties.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 968 of 2011, disclosing offences under Sections 304(B)/120(B), of the Indian Penal Code.

The application for anticipatory bail arises out of a complaint case, which was lodged in the year 2011. Learned counsel for the petitioners has submitted that the Court has taken cognizance of the offence recently on 26.04.2016. Petitioner Nos. 4 and 5, are father-in-law and mother-in-law of the deceased, whereas petitioner Nos. 2 and 3 are the sisters of the husband of the deceased. Petitioner No. 1, is the brother of the husband of the

deceased.

Learned counsel, appearing on behalf of the petitioners, has submitted that though the dead body of the deceased was recovered on 06.11.2011 and on that basis, a U.D. Case was registered by Sasaram Rail Police on 08.11.2011, seven days thereafter, the complaint petition came to be filed. Learned Counsel, appearing on behalf of the petitioners, further submitted that the petitioners are ready to appear before the Court below as and when required for the purpose of enquiry or trial and, therefore, no tangible purpose would be served if they are taken into custody.

Learned counsel, appearing on behalf of the complainant, on the other hand, has submitted that the considering the gravity of the offence, petitioners should not be given the privilege of anticipatory bail.

However, considering the submission, as above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Aurangabad, in connection with Complaint Case No. 968 of 2011,

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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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