

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42913 of 2016

Arising Out of PS.Case No. -272 Year- 2015 Thana -SONEPUR District- SARAN

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1. Pradeep Rai S/o late Yadu Rai
 2. Ganga Sagar Alias Ganga Rai son of Pradeep Rai
 3. Rakesh Kumar alias Rakesh Rai S/o late Jagdish Rai
 4. Pinki Devi wife of Gaya Patel
 5. Banarsi Devi wife of Jagdish Rai All residents of village Kharika P.S. Sonepur, Distt. Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 29-11-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioner No. 1 & 2 namely, Pradeep Rai and Ganga Sagar @ Ganga Rai apprehend their arrest in connection with Sonepur P.S. Case No. 272 of 2015 registered under Sections-304B/120B of the Indian Penal Code.

Petitioner No. 1 is cousin father-in-law whereas; petitioner No. 2 is elder brother-in-law of the deceased and according to prosecution case, the marriage of the deceased had taken place in the month of June, 2008 and she died in course of treatment on 23-04-2015 at PMCH, Patna.

The accusation against petitioners is that they along with others used to torture the deceased due to non-fulfillment of dowry demand and subsequently, they burnt her to death.

Submission on behalf of petitioners is that petitioners do not have any concern with the husband of the deceased and as a matter of fact, the deceased was caught in fire accidentally, while she was cooking meal and she was immediately, taken to hospital where fardbyan of wife of present informant was recorded and in the aforesaid fardbyan, she admitted this fact that the deceased was caught in fire accidentally. Moreover, the present case was lodged after 12 days of the alleged occurrence at the behest of husband of the deceased as husband of the deceased had some dispute with petitioners on the point of partition and that is the reason; the husband of the deceased has not been made accused in the present case.

Considering the above-said facts and circumstances as well as submission of the parties, this anticipatory bail petition, in respect of petitioner Nos. 1 & 2 namely Pradeep Rai and Ganga Sagar @ Ganga Rai, is allowed and it is ordered that petitioner Nos. 1 & 2 named above shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Sonapur P.S. Case No.

272 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate, Saran at Chapra subject to condition as laid down u/S 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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