

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 835 of 2016

Arising Out of PS.Case No. -228 Year- 2014 Thana -PIRPAINTY District- BHAGALPUR

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1. Lakhra Yadav, Son of late Rampati Yadav
2. Dayavanti Devi, Wife of Lakhra Yadav,
All are resident of village- Madhuban- Tola, P.S.- Pirpainty, District-
Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh

For the Opposite Party/s : Mr. H.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 15-03-2016 Heard Sri Bindhyachal Singh, learned counsel for
petitioners and Mr. H.A.Khan, learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in
connection with Pirpainty P.S.Case No. 228 of 2014 initially
registered under Section 365 of the Indian Penal Code and
subsequently, Sections 364, 302, 201, 120B/34 of the Indian Penal
Code were added, have prayed for grant of anticipatory bail.

Sri Bindhyachal Singh, learned counsel for petitioners
submits that F.I.R. was lodged against unknown on apprehension
that the son of the informant was kidnapped, however, after
lodging F.I.R. in his further statement, the informant raised
suspicion against one Vijay Yadav and others. The petitioner no. 1
is the *Samadhi* of Vijay Yadav and petitioner no. 2 is wife of

petitioner no. 1. He submits that save and except the fact that petitioners are relative of one of the accused, against whom suspicion has been raised, there is no other material to show involvement of the petitioners. It has been argued that in the whole case diary, save and except suspicion, that too on the ground that petitioners are relative of one of the accused, with whom the informant was having animosity, there was no other material.

Learned Addl. Public Prosecutor has opposed the prayer of the anticipatory bail, however; he was not in a position to show any material from the case diary showing involvement of the petitioners, save & except some suspicion which was raised against the petitioners.

In view of facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let both the petitioners namely Lakhra Yadav and Dayavanti Devi be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur/concerned court in connection with Pirpainty P.S. Case No. 228 of 2014 subject to condition as contemplated under Section 438(2) of the Cr.P.C., with a condition that one of the bailor must be blood relation of the petitioners and secondly, the petitioners shall render full

assistance to the Investigating Officer during the investigation of the case. It is further made clear that if during further investigation, material is collected showing involvement of the petitioners and chargesheet is submitted, then in that event, the petitioners will have to surrender before the court below and make a prayer for regular bail.

(Rakesh Kumar, J.)

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