

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58573 of 2015

Arising Out of PS.Case No. -155 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

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1. Ramashray Upadhyay @ Manjhi Upadhyay, Son of Late Kapil Deo Upadhyay
 2. Krishna Kant Upadhyay @ Jhulan Upadhyay, Son of Ramashray Upadhyay @ Manji Upadhyay
 3. Uma Kant Upadhyay @ Lallu Upadhyay, Son of Ramashray Upadhyay @ Manji Upadhyay, all are residents of Village + P.O. Upadhyaypur, P.S. Buxar (Industrial Area), District Buxar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gopal Swaroop Dubey, Advocate
For the informant : Mr. Manoj Kumar Pandey, Advocate
Mr. Sanjay Kumar Ghosarwey, Advocate
For the State : Mr. Nirmal Kumar Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 22-01-2016 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Buxar (Industrial Area) P.S. Case No. 155 of 2015, disclosing offences under Sections 304B, 201/34 of the Indian Penal Code.

The petitioner no. 1 is the father of the husband of the deceased whereas petitioners no. 2 and 3 are his full brothers.

It is submitted on behalf of the petitioners that there is no allegation in the First Information Report that immediately

before the death of the deceased, any demand of dowry was made in order to make out a case under Section 304B of the Indian Penal Code. Learned counsel for the petitioners would further contend that there is no chance of the petitioners' absconding from the course of investigation or trial and there is no question of tampering with the evidence in view of the nature of allegation.

Learned counsel appearing on behalf of the informant, on the other hand, has vehemently opposed the prayer for anticipatory bail and has submitted that the offence under Section 304B of the Indian Penal Code is made out.

However, considering the fact that other co-accused persons granted privilege of anticipatory bail by this Court vide order dated 07.12.2015 passed in Criminal Miscellaneous No. 43473 of 2015 and there is no specific allegation against these petitioners of any demand of dowry immediately before the death of the deceased, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Industrial Area) P.S. Case No. 155 of

2015, subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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