

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38340 of 2015

Arising Out of PS.Case No. -130 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)
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- 1. Santosh Soni,
- 2. Jitendra Soni,
- 3. Narendra Soni,
- 4. Raju Soni,
- 5. Prayag Soni, all sons of Siyaram Seth @ Siyaram Soni, R/o Village- Seema ,P.S. Pauthu , in the District of Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.38369 of 2015

Arising Out of PS.Case No. -130 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)
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- 1. Siyaram Seth @ Siyaram Soni, S/o Late Haridwar Seth
- 2. Saraswati Devi, W/o Siyaram Seth @ Siyaram Soni. Both are residents of Village Seema, P.S Pauthu, in the District of Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.38340 of 2015)

For the Petitioner/s : Mr. Ashok Kumar Singh No.-3, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

(In Cr.Misc. No.38369 of 2015)

For the Petitioner/s : Mr. Ashok Kumar Singh No.-3, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out

of Kargahar P.S. Case No. 130 of 2015, disclosing offences under Sections 304B and 201/34 of the Indian Penal Code.

The petitioners of Criminal Miscellaneous No. 38340 of 2015 are the brothers of the husband of the deceased whereas the petitioners of Criminal Miscellaneous No. 38369 of 2015 are the father-in-law and mother-in-law of the deceased.

It is submitted on behalf of the petitioners that the deceased died natural death in the year 2013. A complaint petition filed by the brother of the deceased on 07.04.2015 is the basis of registration of the First Information Report under Section 156(3) of the Cr.P.C. It is submitted that only after the husband of the deceased intended to marry, after the death of the deceased, another girl, the informant got instituted the First Information Report since he was opposed to the husband of deceased marrying any girl from outside the family of the informant. He would submit that the date of death has intentionally not been indicated in the complaint petition. He further submits that after having realized the mistake, the complainant has resiled from his earlier statement as contained in the complaint petition.

Nothing could be pointed out from the case diary, showing involvement of these petitioners in commission of the offence.

Considering these facts and the submissions as noted above, these applications are 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, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 130 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)

Vats/-

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