

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48024 of 2015

Arising Out of PS.Case No. -154 Year- 2015 Thana -SHERGHATI District- GAYA

=====

1. Rita Devi
2. Sonu Devi, both daughters of Shaileshwar Chaudhary
3. Rajesh Chaudhary, S/o Shaileshwar Chaudhary, all resident of
vill.- Jolaha Bigha P.S. (Dobhi) Sherghaty, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

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

For the informant : Mr. Sunil Kumar Yadav, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 12-02-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 302 and 328/34 of the Indian Penal Code.

It is submitted that the petitioner nos. 1 and 2 are elder married sisters of the husband of the deceased and they are living in their respective marital places with their husbands and children. It is further submitted that the petitioner no.3 is a younger brother of the husband of the deceased. The allegations against the petitioners are omnibus in nature. By filing a supplementary affidavit today, learned counsel has further highlighted that the main culprits namely, Gurudeo Chaudhary, husband of the deceased and Shaileshwar Chaudhary, father-in-law of the deceased, are already behind the bar since 29.07.2015.

The learned Addl.P.P. appearing on behalf of the State and the learned counsel appearing on behalf of the informant though, have opposed the prayer for grant of anticipatory bail made on behalf of the petitioners but, they have not disputed the aforesaid submissions.

In the facts of the case, particularly, taking into consideration that the main culprits, husband and father-in-law of the deceased, are behind the bar, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

In the event of arrest or surrender in the court below within a period of four weeks from today, let the above named three petitioners be released on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sherghati (Gaya) in connection with Sherghati P.S.Case No. 154 of 2015. subject to conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

- (A) one of the bailors must be government servant or close family member of the petitioners who will file an affidavit in the court below showing their relationship with the petitioners,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and
- (C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

Tahir/-

U		T	
---	--	---	--