

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53962 of 2017

Arising Out of PS.Case No. -189 Year- 2017 Thana -PATORI District- SAMASTIPUR

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1. Binda Sahni, son of late Dhannu Sahni.
 2. Geeta Devi, wife of Binda Sahni
 3. Ranjiv Kumar @ Rajiv Kumar @ Sanjeev Sahni (wrongly named in the FIR as Deepak Sahni), son of Binda Sahni
 4. Neelu Devi, wife of Ranjiv Kumar @ Rajiv Kumar @ Sanjeev Sahni (wrongly named in the FIR as Deepak Sahni).

All are permanent resident of village-Lodipur, P.S.-Patori, District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv.
Mr. A.K. Mishra, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners are seeking anticipatory bail in connection with Patori P.S. Case No.189 of 2017 registered for offences punishable under Sections 304B and 120B/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is an unfortunate case of suicide, but in anguish the informant lodged a police case under Sections 304B, 120B read with Section 34 of the Indian Penal Code against the entire family members including Bhaisur and his wife.



Learned counsel further submits that a stereotype allegation of demand of dowry has been alleged, but the fact remains that after the suicide was committed by the daughter of the informant, he was well informed and even last rites took place in his presence. The postmortem was also conducted as the police was informed. It is his further submission that later on informant came to realize that he had filed the case on wrong information by some mischief mongers of the village, therefore, he filed a petition in the court of learned Chief Judicial Magistrate, Samastipur saying that present case was lodged on mistaken facts.

Learned counsel further submits that the petitioner no.3 is working at Thane in the State of Maharashtra and he was putting his biometrics attendance which has been showing his presence during the alleged period and his attendance has also been certified by the employer by certificate dated 22.06.2017, as contained in Annexure-2 to the present application. The certificate provides in and out time.

On the other hand, learned APP for the State opposed the prayer for bail and submits that since the death has taken place in the matrimonial home of the daughter of the informant it raises suspicion on the conduct of the accused persons.

Considering the facts and circumstances of the case,



I am not inclined to grant anticipatory bail to the petitioner nos.1 and 2. However, if they surrender in the court below and pray for regular bail within a period of four weeks from today the same shall be considered by the court below on its own merit on the basis of the materials available on the record and the developments which have been pointed out by the learned counsel for the petitioners.

So far as petitioner nos.3 and 4 are concerned, considering the submissions and the nature of documents enclosed with the petition, I am inclined to grant anticipatory bail to them. Therefore, in case of arrest or surrender of the petitioner nos.3 and 4 within a period of four weeks from today, they are directed to 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 the learned Chief Judicial Magistrate, Samastipur in connection with Patori P.S. Case No.189 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C. and subject to the further condition that they will cooperate in investigation by reporting to the investigating officer within a period of four weeks.

Arvind/-

(Rajeev Ranjan Prasad, J)

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