

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2821 of 2017

Arising Out of PS.Case No. -149 Year- 2012 Thana -BABUBARHI District- MADHUBANI

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1. Yogendra Choudhary Son of Late Bikan Choudhary
 2. Nepur Devi wife of Yogendra Choudhary
 3. Sandip Kumar Choudhary Son of Yogendra Choudhary
 4. Anita Kumari daughter of Yogendra Choudhary
 5. Prem Pathak @ Prem Kant Pathak Son of Tirpit Pathak All are resident of Village - Sonmati, P.S. - Babubarhi, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 13-02-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Babubarhi P.S. Case No. 149 of 2012 for the offences punishable under sections 498 (A), 302, 201 and 34 of the I.P.C and section 34 of the Dowry Prohibition Act.

At the very out set it has been submitted that in this case after completing investigation final form was submitted after finding the case as a mistake of fact, but the learned Magistrate after differing with the opinion of the investigating officer took



cognizance resulting the petitioners are apprehending their arrest. It is also submitted that the informant after knowing the reality has compromised the case and as such the petitioners deserve sympathetic consideration. It is also submitted that the deceased and her husband both were suffering from HIV and husband also died due to that disease.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners.

In the facts and circumstances as stated above, considering that the police after completing investigation submitted final form and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released 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. A.C.J.M-II, Madhubani in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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