

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7144 of 2017

Arising Out of PS.Case No. -140 Year- 2016 Thana -BARAHIYA District- LAKHISARAI

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1. Pappu Singh, Son of Late Mahendra Singh,
2. Sanjay Pathak, Son of Late Chotan Pathak,
Both resident of Khutahadih, P.S.- Barahiya, District- Lakhisarai.
..... Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh
For the Opposite Party/s : Mr. Sri Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

9 12-07-2017 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection with Barahiya P.S. Case No. 140 of 2017 registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

Allegedly, the sister of the informant was killed by her husband and other in-laws due to non-fulfillment of demand of dowry and they also disposed of the dead body. Admittedly, the sister of the informant died within three years of marriage at her matrimonial house and the petitioner no. 1 is the Bhaibur of the deceased whereas petitioner no. 2 is his driver and not the family members.

Submission is of false implication and that the statement



has been recorded under Section 164 Cr.P.C. also in which there is contradiction, against the petitioners there is no specific allegation and as such the petitioners deserve sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that during investigation all the witnesses have supported the allegations and further in the statement recorded under Section 164 Cr.P.C. also witnesses have supported the allegation.

In the facts and circumstances stated above, the petitioner no. 2 Sanjay Pathak, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. Case No. 140 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner no. 1 is concerned, he is the Bhaisur of the deceased and against him there is specific allegation and as such this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner no. 1, accordingly, his such prayer stands rejected.

However, the petitioner no.1 is directed to surrender



before the court below within four weeks from today and on his so
surrendering his prayer of bail shall be considered on its own merit
in accordance with law without being prejudiced by the present
order.

(Jitendra Mohan Sharma, J)

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