

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48612 of 2017

Arising Out of PS.Case No. -80 Year- 2016 Thana -KAHAIYA District- MUZAFFARPUR

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1. Jai Mangal Bhagat @ Raj Mangal Bhagat, S/o Late Raghu Nath Bhagat,
2. Yado Lal Bhagat @ Yadu Bhagat S/o Late Raghu Nath Bhagat,
Both are R/o Village- Kuria, P.S.- Kathaiya, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Kathaiya P.S. Case No. 80 of 2016 registered under Sections
304B and 201 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that the petitioners not being related in any manner to
the husband of the victim ought not to have been implicated as
accused in a case registered under Section 304B of the Indian
Penal Code. He submitted that from perusal of the FIR itself, it
would be manifest that the victim was married to one Naresh



Sah. The name of relatives of the Naresh Sah has also been given in the FIR. So far as the petitioners are concerned, they happen to be the co-villagers and have been falsely implicated in the case.

On the other hand, learned counsel appearing for the State has submitted that the offence is not only under Section 304B of the Indian Penal Code but also under Section 201 of the Indian Penal Code and, for that offence, there is no requirement that the accused must be relative to the husband of the victim.

Be that as it may, since the petitioners are not related to the husband of the victim and the offence punishable under Section 201 of the Indian Penal Code is bailable in nature, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Muzaffarpur in connection with Kathaiya P.S. Case No. 80 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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