

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43404 of 2017

Arising Out of PS.Case No. -296 Year- 2014 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Dinesh Rajak S/o Late Bishuni Rajak
2. Rajni Devi W/o Dinesh Rajak Both R/o Village Paharpur (Garjaul), P.S.
Mahua, Distt. Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 03-10-2017

Heard the parties.

This application, for grant of anticipatory bail, arises out of Mahua P.S. Case No. 296/2014, disclosing offences under Sections 304(B), 201, 120(B) of the Indian Penal Code and Section 34 of Dowry Prohibition Act.

The husband of the deceased has been taken into custody. The petitioners are father-in-law and mother-in-law of the deceased.

Learned counsel for the petitioners, referring to the First Information Report, has submitted that there is no specific allegation against these petitioners of demand of dowry nor there is any allegation that such demand was made soon before the



death of the deceased to constitute the offence under Section 304B of the Indian Penal Code.

I find from the records that the F.I.R. was registered in the year 2014 and the petitioners for the first time applied for anticipatory bail before the court of learned Sessions Judge in the year 2017. There is no justification given on behalf of the petitioners for delay in filing of anticipatory bail.

Learned counsel for the petitioners has, however, submitted that the petitioners have not been declared absconder nor they have obstructed the course of investigation in any manner, in the meanwhile. He has submitted that considering this exceptional circumstance, this application for anticipatory bail may not be rejected on the ground of delay.

Considering the above submission, this application is allowed. Let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the **learned Chief Judicial Magistrate, Vaishali at Hajipur** in connection with **Mahua P.S. Case No. 296/2014**, subject to the condition laid down under Section 438(2) of the Cr.P.C.



This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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